

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 484

By: Marlatt

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5
6 AS INTRODUCED

7 An Act relating to telecommunications; amending 17
8 O.S. 2011, Section 139.109, as last amended by
9 Section 2, Chapter 182, O.S.L. 2014 (17 O.S. Supp.
10 2014, Section 139.109), which relates to the Oklahoma
11 Universal Service Fund; requiring certain requests
12 for reimbursement within certain time period;
13 authorizing Corporation Commission to establish fines
14 for violations; and declaring an emergency.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.109, as
17 last amended by Section 2, Chapter 182, O.S.L. 2014 (17 O.S. Supp.
18 2014, Section 139.109), is amended to read as follows:

19 Section 139.109. A. There is hereby created within the
20 Corporation Commission the "Oklahoma E911 Emergency Service Fund".
21 Beginning September 1, 1997, each local exchange telecommunications
22 service provider shall annually contribute fifty cents (\$0.50) per
23 retail local exchange access line to the Oklahoma E911 Emergency
24 Service Fund until the total amount contributed by all providers to
the Fund equals Five Million Dollars (\$5,000,000.00). The
contribution amount for each service provider shall be based upon

1 the number of retail local exchange access lines of that service
2 provider in service on July 1 of each applicable year. The Oklahoma
3 E911 Emergency Service Fund shall be administered by the Corporation
4 Commission and used to defray the cost of purchasing and installing
5 equipment for enhanced 911 emergency systems across the state.
6 Preference for funding shall be given first to those systems
7 established in areas of the state which do not have access to 911
8 emergency service before July 1, 1997, and second to areas of the
9 state which do not have access to enhanced 911 emergency services.
10 Funding from the E911 Emergency Service Fund shall not be used for
11 ongoing operating costs of any emergency telephone service system.
12 To qualify for funding, the emergency telephone service system shall
13 have been or be in the process of being approved as provided for in
14 the Nine-One-One Emergency Number Act. Local exchange
15 telecommunications service providers serving fifteen percent (15%)
16 or more of the access lines in the state may not apply for recovery
17 of the contributions made to the E911 Emergency Service Fund from
18 the Oklahoma Universal Service Fund created in Section 139.106 of
19 this title. All monies in the Oklahoma E911 Emergency Service Fund
20 shall be expended only for the purposes set forth in this
21 subsection.

22 B. There is hereby created within the Oklahoma Department of
23 Career and Technology Education the "Oklahoma Telecommunications
24 Technology Training Fund". Beginning September 1, 1997, each local

1 exchange telecommunications service provider shall annually
2 contribute seventy-five cents (\$0.75) per retail local exchange
3 access line to the Oklahoma Telecommunications Technology Training
4 Fund until the total amount contributed by all providers to the Fund
5 equals Seven Million Dollars (\$7,000,000.00). The contribution
6 amount for each service provider shall be based upon the number of
7 retail local exchange access lines of that service provider in
8 service on July 1 of each applicable year. The Oklahoma
9 Telecommunications Technology Training Fund shall be administered by
10 the Oklahoma Department of Career and Technology Education working
11 in conjunction with OneNet, and shall be used to provide statewide
12 training of teachers and school administrators in the most effective
13 use of telecommunications and distance learning technology for the
14 enhancement of education throughout the state. Local exchange
15 telecommunications service providers serving fifteen percent (15%)
16 or more of the access lines in the state may not apply for recovery
17 of the contributions made to the Oklahoma Telecommunications
18 Technology Training Fund from the Oklahoma Universal Service Fund
19 created in Section 139.106 of this title. All monies in the
20 Oklahoma Telecommunications Technology Training Fund shall be
21 expended only for the purposes set forth in this subsection.

22 C. The following services are hereby declared to be Special
23 Universal Services and such services shall be provided only after
24

1 funding for the Oklahoma Universal Service Fund is implemented as
2 set forth in Section 139.101 et seq. of this title:

3 1. Each not-for-profit hospital in the state shall, upon
4 written request, receive one incoming, toll-free phone number and up
5 to a total of five access lines, free of charge, to allow incoming,
6 toll-free calls from any location within the geographic area served
7 by the hospital;

8 2. Each not-for-profit hospital, county health department,
9 city-county health department, not-for-profit mental health and
10 substance abuse facility as defined in Section 139.102 of this title
11 and federally qualified health center in this state shall, upon
12 written request, receive, free of charge, one telecommunications
13 line or wireless connection sufficient for providing such
14 telemedicine, clinical and health consultation services as the
15 entity's telemedicine equipment and service applications require.
16 The telecommunications carrier shall be entitled to reimbursement
17 from the Oklahoma Universal Service Fund for providing the line or
18 connection. In no case, however, shall reimbursement from the fund
19 be made for an Internet subscriber fee or charges incurred as a
20 result of services accessed via the Internet;

21 3. Each public school building wherein classrooms are contained
22 and each public library in the state shall, upon written request,
23 receive one incoming, toll-free phone number and up to a total of
24 five access lines, free of charge, to allow incoming, toll-free

1 calls from any location within the geographic area served by the
2 school or the public library;

3 4. Each public school building wherein classrooms are contained
4 and each public library in the state shall, upon written request,
5 receive one access line, free of charge, with the ability to connect
6 to an Internet service provider at 1.5Mbps, in the most economically
7 efficient manner for the carrier, or an equivalent dollar credit to
8 be applied by the public school or public library toward similar
9 services provided by the same carrier, for the purpose of accessing
10 the Internet. In no case shall the Oklahoma Universal Service Fund
11 reimburse an entity for an Internet subscriber fee or charges
12 incurred as a result of services accessed via the Internet; and

13 5. Each county seat in the state shall, upon written request of
14 the board of county commissioners, receive one incoming, toll-free
15 phone number and up to a total of five access lines, free of charge,
16 to allow incoming, toll-free calls from any location within the
17 geographic area served by the county seat.

18 D. To the extent Special Universal Services are purchased from
19 a telecommunications service provider by another carrier, the
20 Special Universal Services are for the exclusive use of the not-for-
21 profit hospital, county health department, city-county health
22 department, federally qualified health center, public school, public
23 library or county government. Under no circumstances shall the not-
24 for-profit hospital, county health department, city-county health

1 department, federally qualified health center, public school, public
2 library or county government sell, repackage or share Special
3 Universal Services with any other entity.

4 E. The Corporation Commission shall have authority to
5 investigate and modify or reject in whole or part a Special
6 Universal Services request under subsection C of this section if the
7 request does not meet the specified criteria, if the Corporation
8 Commission's investigation determines that the entity has not
9 provided sufficient justification for the requested services, or if
10 the Corporation Commission determines that granting the request is
11 not in the public interest.

12 F. Any request for Special Universal Service reimbursement
13 shall be filed by the telecommunications service provider within
14 ninety (90) days of the Special Universal Service being initially
15 provided. The Commission is authorized to establish fines of up to
16 Five Hundred Dollars (\$500.00) per day per violation of rules or
17 orders of the Commission promulgated to implement the provisions of
18 this subsection.

19 SECTION 2. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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