

1 ENGROSSED SENATE  
2 BILL NO. 484

By: Marlatt of the Senate

3 and

4 Sanders of the House

5  
6 An Act relating to telecommunications; amending 17  
7 O.S. 2011, Section 139.109, as last amended by  
8 Section 2, Chapter 182, O.S.L. 2014 (17 O.S. Supp.  
9 2014, Section 139.109), which relates to the Oklahoma  
10 Universal Service Fund; requiring certain requests  
11 for reimbursement within certain time period;  
12 authorizing Corporation Commission to establish fines  
13 for violations; and declaring an emergency.

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

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

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

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

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

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

21 C. The following services are hereby declared to be Special  
22 Universal Services and such services shall be provided only after  
23 funding for the Oklahoma Universal Service Fund is implemented as  
24 set forth in Section 139.101 et seq. of this title:

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

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

19       3. Each public school building wherein classrooms are contained  
20 and each public library in the state shall, upon written request,  
21 receive one incoming, toll-free phone number and up to a total of  
22 five access lines, free of charge, to allow incoming, toll-free  
23 calls from any location within the geographic area served by the  
24 school or the public library;

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

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

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

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1 library or county government sell, repackage or share Special  
2 Universal Services with any other entity.

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

11 F. Any request for Special Universal Service reimbursement  
12 requested under paragraph 1 or 2 of subsection C of this section  
13 shall be filed by the telecommunications service provider within one  
14 hundred-twenty (120) days of the Special Universal Service being  
15 initially provided. Any request for Special Universal Service  
16 reimbursement requested under paragraph 3 or 4 of subsection C of  
17 this section shall be filed by the telecommunications service  
18 provider within one hundred-twenty (120) days of the first day of  
19 the fiscal year in which the Special Universal Services are to be  
20 provided to the requesting public school or library. If no request  
21 for reconsideration is filed within fifteen (15) days of the OUSF  
22 Administrator's determination as provided in subsection D of Section  
23 139.106 of this title, the OUSF Administrator's determination shall  
24 be deemed final on the sixteenth day following the OUSF

1 Administrator's determination and the OUSF funding will be paid as  
2 provided in the OUSF Administrator's determination without order of  
3 the Commission. However, if a request for reconsideration is filed  
4 within the time from provided in subsection D of Section 139.106 of  
5 this title, and if the Commission does not issue a final order  
6 addressing the merits of the request as provided in subsection D of  
7 Section 139.106 of this title, then the request shall be deemed  
8 approved on an interim basis as provided in subsection D of Section  
9 139-106 of this title. Interim OUSF funding will be paid within  
10 thirty (30) days. If the Commission fails to issue a final order  
11 addressing the merits of a request for reconsideration within one-  
12 hundred twenty (120) days following the OUSF Administrator's  
13 determination, the request shall be deemed approved on a permanent  
14 basis without order of the Commission and the OUSF funding will be  
15 paid within thirty (30) days. A request for reimbursement shall be  
16 deemed complete when it is filed with the Commission with a valid  
17 contract and an invoice. Additional information may be obtained by  
18 the Commission from the recipient of the Special Universal Service,  
19 as necessary. Failure of the recipient to provide requested  
20 information to the Commission may result in the denial of the  
21 funding request. Failure of the recipient to provide requested  
22 information to the Commission and/or an adverse decision by the  
23 Commission does not relieve the recipient of liability for payment  
24 to the telecommunications service provider for the provision of

1 Special Universal Service. The Commission is authorized to  
2 establish fines of up to Five Hundred Dollars (\$500.00) per day, per  
3 violation of rules or orders of the Commission promulgated to  
4 implement the provisions of this subsection.

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

9 Passed the Senate the 10th day of March, 2015.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2015.

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17 Presiding Officer of the House  
18 of Representatives  
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