

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 985

By: Fields

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Universal Service
8 Fund (OUSF); amending 17 O.S. 2011, Section 139.109,
9 as last amended by Section 2, Chapter 182, O.S.L.
10 2014 (17 O.S. Supp. 2015, Section 139.109), which
11 relates to telecommunications service funds;
12 authorizing reimbursement for certain services to
13 certain health service providers; stating procedures;
14 requiring response within certain time period; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.109, as
18 last amended by Section 2, Chapter 182, O.S.L. 2014 (17 O.S. Supp.
19 2015, Section 139.109), is amended to read as follows:

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

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

23 B. There is hereby created within the Oklahoma Department of
24 Career and Technology Education the "Oklahoma Telecommunications

1 Technology Training Fund". Beginning September 1, 1997, each local
2 exchange telecommunications service provider shall annually
3 contribute seventy-five cents (\$0.75) per retail local exchange
4 access line to the Oklahoma Telecommunications Technology Training
5 Fund until the total amount contributed by all providers to the Fund
6 equals Seven Million Dollars (\$7,000,000.00). The contribution
7 amount for each service provider shall be based upon the number of
8 retail local exchange access lines of that service provider in
9 service on July 1 of each applicable year. The Oklahoma
10 Telecommunications Technology Training Fund shall be administered by
11 the Oklahoma Department of Career and Technology Education working
12 in conjunction with OneNet, and shall be used to provide statewide
13 training of teachers and school administrators in the most effective
14 use of telecommunications and distance learning technology for the
15 enhancement of education throughout the state. Local exchange
16 telecommunications service providers serving fifteen percent (15%)
17 or more of the access lines in the state may not apply for recovery
18 of the contributions made to the Oklahoma Telecommunications
19 Technology Training Fund from the Oklahoma Universal Service Fund
20 created in Section 139.106 of this title. All monies in the
21 Oklahoma Telecommunications Technology Training Fund shall be
22 expended only for the purposes set forth in this subsection.

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

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~~ Consistent with
21 Corporation Commission rules, each not-for-profit hospital, county
22 health department, city-county health department, not-for-profit
23 mental health and substance abuse facility as defined in Section
24 139.102 of this title, and federally qualified health center, shall

1 submit all bids for telemedicine from any federally funded program,
2 a list of telecommunications equipment, and bidding criteria to the
3 Oklahoma Universal Service Fund (OUSF) Administrator, prior to a bid
4 for Special Universal Services being accepted. The OUSF
5 Administrator shall have sixty (60) calendar days to provide the
6 OUSF beneficiary with a determination of funding letter and inform
7 the OUSF recipient of the amount of funding to which the OUSF
8 recipient shall be entitled. The bids and criteria for the
9 bandwidth sought shall be provided to the OUSF Administrator in the
10 format directed by the OUSF Administrator. Taxes and fees for
11 telecommunications lines or wireless connections supported by OUSF
12 shall be included in the amount reimbursed;

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

19 4. Each public school building wherein classrooms are contained
20 and each public library in the state shall, upon written request,
21 receive one access line, free of charge, with the ability to connect
22 to an Internet service provider at 1.5Mbps, in the most economically
23 efficient manner for the carrier, or an equivalent dollar credit to
24 be applied by the public school or public library toward similar

1 services provided by the same carrier, for the purpose of accessing
2 the Internet. In no case shall the Oklahoma Universal Service Fund
3 reimburse an entity for an Internet subscriber fee or charges
4 incurred as a result of services accessed via the Internet; and

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

10 D. To the extent Special Universal Services are purchased from
11 a telecommunications service provider by another carrier, the
12 Special Universal Services are for the exclusive use of the not-for-
13 profit hospital, county health department, city-county health
14 department, federally qualified health center, public school, public
15 library or county government. Under no circumstances shall the not-
16 for-profit hospital, county health department, city-county health
17 department, federally qualified health center, public school, public
18 library or county government sell, repackage or share Special
19 Universal Services with any other entity.

20 E. The Corporation Commission shall have authority to
21 investigate and modify or reject in whole or part a Special
22 Universal Services request under subsection C of this section if the
23 request does not meet the specified criteria, if the Corporation
24 Commission's investigation determines that the entity has not

1 provided sufficient justification for the requested services, or if
2 the Corporation Commission determines that granting the request is
3 not in the public interest.

4 SECTION 2. This act shall become effective November 1, 2016.

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