

1 **SENATE FLOOR VERSION**

2 February 21, 2019

3 SENATE BILL NO. 1002

By: Leewright

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6 An Act relating to the Corporation Commission;
7 creating the Facilitating Internet Broadband Rural
8 Expansion Act; prohibiting certain subsidization by
9 rural electric cooperatives; establishing duties of
10 certain cooperatives; prohibiting cooperatives from
11 providing certain service without authorization;
12 providing for noncodification; providing for
13 codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 This act shall be known and may be cited as the "Facilitating
18 Internet Broadband Rural Expansion (FIBRE) Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 158.65 of Title 17, unless there
21 is created a duplication in numbering, reads as follows:

22 A. No cross-subsidization shall be permitted between a rural
23 electric cooperative electricity services and the provision or
24 operation of emerging communications technologies by such rural
electric cooperative or through an affiliate of such rural electric
cooperative.

1 B. Any rural electric cooperative that provides or operates
2 telecommunications or Internet services shall:

3 1. Ensure that cross-subsidizations do not occur between the
4 electricity services of a rural electric cooperative and the
5 telecommunications or Internet services it provides;

6 2. Fully allocate all electricity activities costs or
7 telecommunications or Internet services activities costs including
8 costs for any shared services, between the rural electric
9 cooperative electricity activities and the telecommunications or
10 Internet services activities of the rural electric cooperative, in
11 accordance with the applicable uniform system of accounts and
12 generally accepted accounting principles that are applicable to
13 rural electric cooperatives under either federal or state laws,
14 rules or regulations;

15 3. Not charge any costs of the rural electric cooperative's
16 electricity activities to the telecommunications or Internet
17 services customers of such rural electric cooperative;

18 4. Not charge any costs of the telecommunications or Internet
19 services activities of the rural electric cooperative to the rural
20 electric cooperatives electricity activities;

21 5. For the protection and privacy of customer information, not
22 release any proprietary customer information about any
23 telecommunications or Internet services customers of the rural
24 electric cooperative to its electricity division, affiliate or

1 subsidiary without obtaining prior verifiable authorization from
2 such customers;

3 6. Ensure that any rates and fees charged by such rural
4 electric cooperative for attachments to utility poles by
5 communications services providers shall be nondiscriminatory
6 regardless of the services provided by the communications services
7 provider and shall not exceed the annual recurring rate permitted
8 under rules and regulations adopted pursuant to 47 U.S.C. Section
9 224(d) by the Federal Communications Commission, as such existed on
10 January 1, 2019, and any regulations and Federal Communications
11 Commission decisions promulgated thereunder;

12 7. Establish nondiscriminatory, competitively neutral and
13 commercially reasonable terms and conditions for attachments to
14 utility poles by any provider of telecommunications or Internet
15 services, which terms and conditions shall comply with the federal
16 pole attachment requirements provided in 47 U.S.C. Section 224, as
17 such existed on January 1, 2019, and any regulations and Federal
18 Communications Commission decisions promulgated thereunder; and

19 8. Not require compliance by a provider of telecommunications
20 or Internet services with utility pole attachment specifications
21 that exceed the specifications in the National Electrical Safety
22 Code, applicable fire safety codes and any building code or similar
23 code of general applicability for the protection of the public
24 health, safety or welfare that was adopted by the applicable local

1 government jurisdiction prior to the filing of a utility pole
2 attachment application.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 158.66 of Title 17, unless there
5 is created a duplication in numbering, reads as follows:

6 No rural electric cooperative may provide cable television or
7 video service to any incorporated city or town without first
8 obtaining a franchise from the city or town.

9 SECTION 4. This act shall become effective November 1, 2019.

10 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
11 February 21, 2019 - DO PASS

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