

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 881

By: Paxton

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5  
6 AS INTRODUCED

7 An Act relating to Corporation Commission; amending  
8 17 O.S. 2011, Sections 131 and 132, which relate to  
9 certificate of convenience and necessity and notice;  
10 modifying entities required to be notified; amending  
11 63 O.S. 2011, Section 142.5, which relates to  
12 excavations prohibited near certain facilities;  
13 establishing requirements for certain excavation;  
14 declaring certain persons in violation of Underground  
15 Facilities Damage Prevention Act; and providing an  
16 effective date.

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

18 SECTION 1. AMENDATORY 17 O.S. 2011, Section 131, is  
19 amended to read as follows:

20 Section 131. A. No person, firm, association, corporation or  
21 cooperative shall provide telecommunications services, as defined by  
22 the rules of the Corporation Commission, to any end-user in this  
23 state without having first obtained from the Corporation Commission  
24 a Certificate of Convenience and Necessity. This section shall not  
be construed to require any incumbent exchange carrier to secure  
such a certificate for any extension within or to any territory  
already served by it or for any extension into a territory

1 contiguous to a territory already served by it on which it has  
2 heretofore filed with the Commission an exchange area map showing  
3 the territory professed to be served by such incumbent exchange  
4 carrier.

5 B. Prior to obtaining a Certificate of Convenience and  
6 Necessity, each provider of telecommunications services, as defined  
7 by the rules of the Commission, making application for such  
8 Certificate shall be required to demonstrate its financial,  
9 managerial, and technical ability to provide the requested  
10 telecommunications services in this state. Before commencing to  
11 provide local exchange telecommunications services in any service  
12 area, a new provider shall give notice by mail or personal service  
13 to each regional council, as defined in the Local and Regional  
14 Capital Improvement Planning Process Act, in whose district any  
15 portion of the provider's intended service area lies and provide  
16 actual notice by mail or personal service to all political  
17 subdivisions with jurisdictional boundaries that include all or  
18 portions of the service area outlined in the application for the  
19 Certificate of Convenience and Necessity. The notice shall confirm  
20 that the provider is a local exchange telephone company as defined  
21 in the Nine-One-One Emergency Number Act, and shall attest that the  
22 provider shall make emergency telephone services available to its  
23 customers in accordance with the Nine-One-One Emergency Number Act.  
24 The new provider shall also forward a copy of the notice to the

1 Corporation Commission. The regional council shall, within fifteen  
2 (15) days of receipt of the notice, forward the notice by mail to  
3 the chief executive officer of every governing body located in the  
4 regional council district that has responsibility for operation of  
5 an emergency telephone system serving any part of the provider's  
6 intended service area.

7 C. Any corporation, firm, or person who fails to provide notice  
8 as required pursuant to the provisions of subsection B of this  
9 section may be fined by the Commission a sum of up to Five Hundred  
10 Dollars (\$500.00) as the Commission may deem proper after notice and  
11 opportunity for hearing. Each day's continuance of such violation,  
12 after due service upon such corporation, firm, or person, of the  
13 requirement shall be a separate offense.

14 SECTION 2. AMENDATORY 17 O.S. 2011, Section 132, is  
15 amended to read as follows:

16 Section 132. The application for a Certificate of Convenience  
17 and Necessity pursuant to Section 131 of this title shall be under  
18 such rules as the Corporation Commission may, from time to time,  
19 prescribe. Upon receipt of any such application for such  
20 certificate, the Commission shall cause notice thereof to be  
21 published once a week for two (2) consecutive weeks in some  
22 newspaper of general circulation in each territory affected, and  
23 provide actual notice by mail or personal service to all political  
24 subdivisions with jurisdictional boundaries that include all or

1 portions of the service area outlined in the application for the  
2 Certificate of Convenience and Necessity.

3 SECTION 3. AMENDATORY 63 O.S. 2011, Section 142.5, is  
4 amended to read as follows:

5 Section 142.5. A. No excavator shall demolish a structure,  
6 discharge an explosive or commence to excavate in a highway, street,  
7 alley or other public ground or way, a private easement, or on or  
8 near the location of the facilities of an operator without first  
9 complying with the requirements of the Underground Facilities Damage  
10 Prevention Act and the Oklahoma Explosives and Blasting Regulation  
11 Act.

12 B. Prior to any excavator engaging in any of the acts outlined  
13 in subsection A of this section that are located within an easement  
14 or right-of-way owned or maintained by a political subdivision, he  
15 or she must have:

16 1. Obtained authorization in writing from any relevant  
17 political subdivision; and

18 2. Provided notice to any relevant political subdivision,  
19 pursuant to Section 1 of this act.

20 C. Any excavator failing to comply with subsection B of this  
21 section shall be in violation of the Underground Facilities Damage  
22 Prevention Act and liable for the damage, repairs and losses  
23 resulting from the damage to underground facilities, pursuant to  
24 Section 142.13 of this title.

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

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