

1 STATE OF OKLAHOMA

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

3 SENATE BILL NO. 1002

By: Leewright

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6 AS INTRODUCED

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

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

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

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

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

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

1 electric cooperative or through an affiliate of such rural electric
2 cooperative.

3 B. Any rural electric cooperative that provides or operates
4 telecommunications or Internet services shall:

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

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

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

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

23 5. For the protection and privacy of customer information, not
24 release any proprietary customer information about any

1 telecommunications or Internet services customers of the rural
2 electric cooperative to its electricity division, affiliate or
3 subsidiary without obtaining prior verifiable authorization from
4 such customers;

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

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

21 8. Not require compliance by a provider of telecommunications
22 or Internet services with utility pole attachment specifications
23 that exceed the specifications in the National Electrical Safety
24 Code, applicable fire safety codes and any building code or similar

1 code of general applicability for the protection of the public
2 health, safety or welfare that was adopted by the applicable local
3 government jurisdiction prior to the filing of a utility pole
4 attachment application.

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

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

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

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