

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2360

6 By: Boles

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Corporation Commission;
9 amending 17 O.S. 2021, Sections 131 and 132, which
10 relate to certificates of convenience and necessity,
11 rules and regulations and notice; requiring certain
12 attestation; modifying means of service for certain
13 notice; modifying entities to receive certain notice;
14 modifying timing and entity to file certain notice;
15 and declaring an emergency.

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

17 SECTION 1. AMENDATORY 17 O.S. 2021, Section 131, is
18 amended to read as follows:

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

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

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

1 Act, and shall attest that the provider shall make emergency
2 telephone services available to its customers in accordance with the
3 Nine-One-One Emergency Number Act. The new provider shall also
4 forward a copy of the notice to the Corporation Commission. The
5 regional council shall, within fifteen (15) days of receipt of the
6 notice, forward the notice by mail to the chief executive officer of
7 every governing body located in the regional council district that
8 has responsibility for operation of an emergency telephone system
9 serving any part of the provider's intended service area.

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

17 SECTION 2. AMENDATORY 17 O.S. 2021, Section 132, is
18 amended to read as follows:

19 Section 132. The application for a Certificate of Convenience
20 and Necessity pursuant to Section 131 of this title shall be under
21 such rules as the Corporation Commission may, from time to time,
22 prescribe. Upon ~~receipt~~ the filing of any such application for such
23 certificate, the ~~Commission~~ applicant shall cause notice thereof to
24 be published once a week for two (2) consecutive weeks in some

1 newspaper of general circulation in each territory affected, ~~and~~
2 ~~provide actual notice by mail or personal service to all political~~
3 ~~subdivisions with jurisdictional boundaries that include all or~~
4 ~~portions of the service area outlined in the application for the~~
5 ~~Certificate of Convenience and Necessity.~~ In addition, the
6 applicant shall provide notice by mail or electronic mail of such
7 application or application for an expanded service territory to
8 municipalities, cities, and towns, as defined in Section 1-102 of
9 Title 11 of the Oklahoma Statutes, located within the initial or
10 expanded service territory requested in its application that have
11 registered with the Public Utility Division of the Oklahoma
12 Corporation Commission for receipt of such notice.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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