SENATE FLOOR VERSION
February 21, 2019

SENATE BILL NO. 1002

By: Leewright

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

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

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

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

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

A. No cross-subsidization shall be permitted between a rural electric cooperative electricity services and the provision or operation of emerging communications technologies by such rural electric cooperative or through an affiliate of such rural electric cooperative.
B. Any rural electric cooperative that provides or operates telecommunications or Internet services shall:

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

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

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

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

5. For the protection and privacy of customer information, not release any proprietary customer information about any telecommunications or Internet services customers of the rural electric cooperative to its electricity division, affiliate or
subsidiary without obtaining prior verifiable authorization from such customers;

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

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

8. Not require compliance by a provider of telecommunications or Internet services with utility pole attachment specifications that exceed the specifications in the National Electrical Safety Code, applicable fire safety codes and any building code or similar code of general applicability for the protection of the public health, safety or welfare that was adopted by the applicable local
government jurisdiction prior to the filing of a utility pole
attachment application.

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

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

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

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