

TITLE 165. CORPORATION COMMISSION
CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE AND OKLAHOMA LIFELINE
PERMANENT RULES
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CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE AND LIFELINE

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[**AUTHORITY:** OKLA. CONST. art. IX, Section 18; 17 O.S. § 137.3; 17 O.S. § 139.101 *et seq.*]

[**Source:** Codified 7-1-97]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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SUBCHAPTER 1. GENERAL PROVISIONS

165:59-1-1. Purpose and title

(a) This Chapter establishes the Oklahoma Corporation Commission Rules and Regulations implementing the Oklahoma Telecommunications Act of 1997 (hereinafter referred to as the "Oklahoma Telecommunications Act"). This Chapter shall be cited as the Oklahoma Universal Service and Oklahoma Lifeline Rules.

(b) The purpose of this Chapter is to establish such rules pertaining to Universal Services and the Oklahoma Lifeline Service Program as are necessary and appropriate to implement the Oklahoma Telecommunications Act.

(c) This Chapter describes:

- (1) The services supported by the Oklahoma Universal Service Fund ("OUSF") and the Oklahoma Lifeline Fund ("OLF");
- (2) Who shall make contributions to the OUSF and the OLF, and the methodology for calculating those contributions;
- (3) The eligibility criteria to receive OUSF and OLF funding; and,
- (4) The procedures for requesting, calculating and distributing OUSF and OLF funding.

(d) This Chapter also establishes the guidelines for administration of the OUSF and the OLF.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 28 Ok Reg 2256, eff 7-25-11; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-1-2. Jurisdiction

The Oklahoma Corporation Commission has jurisdiction to enact this Chapter by virtue of Article IX § 18 of the Constitution of the State of Oklahoma, the Oklahoma Telecommunications Act and the Federal Telecommunications Act of 1996. The Commission has the authority to assess a charge upon all telecommunications carriers,

in conformance with federal and state law to support the objectives for Oklahoma Universal Services and Oklahoma Lifeline Service.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-1-3. Application of rules

(a) This Chapter shall be read in context with any applicable:

- (1) Federal law and/or regulation;
- (2) State law and/or regulation; and,
- (3) Commission order and/or rule.

(b) This Chapter shall be applicable to all telecommunications carriers.

(c) No person or corporation not otherwise a provider of telecommunications services shall be deemed such solely because of the manufacture, distribution, installation, or maintenance of end-user premises communication equipment and accessories.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98]

165:59-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the same meaning as defined in the Oklahoma Telecommunications Act, provided the words and terms, which are not defined in the Oklahoma Telecommunications Act, shall have the following meaning, unless the context clearly indicates otherwise:

"Administrator" means the person(s) or entity(ies) responsible for administering the Oklahoma Universal Service Fund and/or the Oklahoma Lifeline Fund.

"Bona fide request" means a written request delivered to a telecommunications carrier requesting services provided for in this Chapter.

"Carrier of Last Resort" means a telecommunications service provider as designated by the Commission pursuant to OAC 165:55-17-29.

"Commercial mobile radio service provider" means a carrier who provides wireless telecommunications services.

"Customer" or **"Subscriber"** means any person, firm, partnership, cooperative corporation, corporation or lawful entity that receives telecommunications services.

"Eligible healthcare entity" means a not-for-profit hospital; county health department; city-county health department; not-for-profit mental health and substance abuse facility as defined in this Section; and federally qualified health center in Oklahoma. Eligible healthcare entity also includes telemedicine services provided by the Oklahoma Department of Corrections at facilities identified in 57 O.S. § 509.

"Eligible local exchange telecommunications service provider" means any incumbent local exchange telecommunications service provider, its successors and assigns, which owned, maintained and provided facilities for universal service within a local exchange area on January 1, 1996, and any provider of telecommunications

service that has been determined to be an eligible local exchange telecommunications service provider pursuant to the Oklahoma Telecommunications Act.

"Eligible Telecommunications Carrier" ("ETC") means a common carrier designated by the Commission pursuant to OAC 165:55-23-2 and 47 U.S.C. §§ 254 and 214(e).

"Enhanced service provider" means a provider of enhanced service.

"FCC" means the Federal Communications Commission.

"Federally Qualified Health Center ("FQHC")" means an entity which

(A) is receiving a grant under section 330 of the Public Health Service Act (PHS) [42 U.S.C. 254b], or is receiving funding from such a grant under a contract with the recipient of such a grant and meets the requirements to receive a grant under section 330 of such Act [42 U.S.C. 254b]; or

(B) based on the recommendation of the Health Resources and Services Administration within the Public Health Service, is determined by the Secretary of the Department of Health and Human Services ("HHS") to meet the requirements for receiving such a grant; or

(C) was treated by the Secretary, for purposes of part B of Section 330, as a comprehensive Federally funded health center as of January 1, 1990; or

(D) is an outpatient health program or facility operated by a tribe or tribal organization under the Indian Self-Determination Act [25 U.S.C. 450f et seq.] or by an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act [25 U.S.C. 1651 et seq.].

"Free of Charge" means 100% discount off the amount of the tariffed rate or charge, recurring and nonrecurring, directly attributable to the telecommunications line or wireless connection, used to provide the Special Universal Service. All applicable taxes and regulatory fees shall apply to the undiscounted rate or charge, but shall not be recoverable from the OUSF.

"High cost area" means an area where actual costs exceed Commission- or Legislatively-authorized rates for Primary Universal Services.

"Internet Subscriber Fee" means any fee that is paid to a telecommunications service provider for internet service that is in addition to the access connection charge.

"Lifeline Service Program" means the federal and state program designed to keep low-income subscribers on the telecommunications network.

"Local exchange telecommunications service provider" or "telecommunications service provider" or "TSP" means a company holding a certificate of convenience and necessity from the Commission to provide local exchange telecommunications service.

"Network" includes a telecommunications service provider's or telecommunication carrier's facilities used to originate and terminate traffic.

"Oklahoma Lifeline Fund" or "OLF" means the fund established and required to be implemented by the Commission pursuant to 17 O.S. § 139.105.

"Oklahoma Universal Services" means Primary Universal Service and Special Universal Services as defined herein.

"OneNet" means statewide Internet and technology provider operated by the Oklahoma State Regents for Higher Education for the purpose of meeting the mission

critical technology needs of Oklahoma's education, research, healthcare and public service communities.

"Primary Universal Service" means an access line and dial tone provided to the premises of residential or business customers which provides access to other lines for the transmission of two-way switched or dedicated communication in the local calling area without additional, usage-sensitive charges, including:

- (A) A primary directory listing;
- (B) Dual-tone multifrequency signaling;
- (C) Access to operator services;
- (D) Access to directory assistance services;
- (E) Access to telecommunications relay services for the hearing impaired;
- (F) Access to nine-one-one service where provided by a local governmental authority or multijurisdictional authority; and,
- (G) Access to interexchange long distance services.

"Public school building wherein classrooms are contained" means a building owned, leased or rented with public funds and accredited by the Oklahoma State Department of Education as a public school, which contains one or more classrooms utilized for student instruction for kindergarten through twelfth grade, and where internet access is utilized for student instruction.

"Reimbursement" means remuneration from the OUSF pursuant to OAC 165:59-3-60 for Primary Universal Services and OAC 165:59-7 for Special Universal Services. Reimbursement also means remuneration from the Oklahoma Lifeline Fund pursuant to OAC 165:59-9, for the Lifeline Service Program.

"Service territory" means a geographic area served by a telecommunications service provider.

"Special Universal Services" means:

- (A) One incoming, toll-free phone number and up to a total of five access lines, provided free of charge to a not-for-profit hospital, public school building wherein classrooms are contained, public library, or county seat, in order to allow incoming, toll-free calls from any location within the geographic area of Oklahoma served by said entity.
- (B) One access line, with the ability, to connect to an Internet service provider in accordance with 17 O.S. §139.109(C)(4), provided free of charge to a public school or a public library within the State, as set forth in 17 O.S. § 139.109 and Subchapter 7 herein.
- (C) One telecommunications line or wireless connection, provided free of charge to an eligible healthcare entity within the State, sufficient for providing such telemedicine services as the healthcare entity is equipped to provide.

"State" means the State of Oklahoma.

"Tariff" means all or any part of the body of rates, tolls, charges, classifications, and terms and conditions of service relating to regulated services offered, the conditions under which such services are offered and the charges for services, which have been filed with the Commission and have become effective.

"Telecommunications Act of 1996" means the Federal legislation cited as 47 U.S.C. Section 151 et. seq.

"Telemedicine" means the practice of health care delivery, diagnosis, consultation, treatment, transfer of medical data, or exchange of medical education information by means of audio, video, or data communications. Telemedicine is not a consultation provided by telephone or facsimile machine, nor does it include administrative applications such as billing, contracted non-clinical services, or security systems.

"U.S.C." means United States Code.

"Universal service area" or "service area" means a geographic area established by the Commission for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the FCC and the Commission, after taking into account recommendations of a Federal-State Joint Board instituted under 47 U.S.C. Section 410(c), establish a different definition of service area for such company.

"Unregulated services" means telecommunications services not regulated by the Commission.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 18 Ok Reg 2448, eff 7-1-01; Amended at 20 Ok Reg 2318, eff 7-15-03; Amended at 22 Ok Reg 1819, eff 7-1-05; Amended at 28 Ok Reg 2256, eff 7-25-11; Amended at 30 Ok Reg 1582, eff 7-11-13; Amended at 31 Ok Reg 1087, eff 9-12-2014; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-1-5. Interpretation of rules

The words contained in this Chapter shall be given their ordinary and customary meanings, with technical terms and words being construed as generally understood within the telecommunications industry, except where otherwise expressly provided.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97]

165:59-1-6. Relief from rules

Whenever compliance with any requirement of this Chapter would result in unreasonable hardship upon or excessive expense to a party or parties subject to the rules of this Chapter, the Commission may, upon application and for good cause shown, issue an order waiving or modifying the requirements of this Chapter. The Commission may grant temporary relief pending hearing.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97]

165:59-1-7. Supremacy

This Chapter supersedes any conflicting Commission order that may be in effect on the effective date of this Chapter. If there is any conflict between this Chapter and the Oklahoma Telecommunications Act of 1997, the provisions of said Act shall supersede

this Chapter to the extent of any conflict. If there is any conflict between said Act and the Federal Telecommunications Act of 1996, the provisions of the Federal Act shall prevail to the extent of any conflict.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 28 Ok Reg 2258, eff 7-25-11]

165:59-1-8. Controversy over rules

Whenever a controversy exists in connection with the interpretation of the rules of this Chapter or their applicability, or any right or duty imposed thereby, the Commission, upon application of any interested person and after notice and hearing, will enter such order thereon as it may deem appropriate.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97]

165:59-1-9. Severability

(a) Nothing in this Chapter shall relieve any entity from any of its duties under the laws of the State of Oklahoma or the United States.

(b) This Chapter shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the Commission.

(c) If any provision of this Chapter is held invalid, such invalidity shall not affect the other provisions of this Chapter or their applicability provided, such other provisions can be given effect without the invalid provision or its applicability, and to this end, the provisions of this Chapter are declared to be severable.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97]

SUBCHAPTER 3. OKLAHOMA UNIVERSAL SERVICE FUND

PART 1. OKLAHOMA UNIVERSAL SERVICES

Section

165:59-3-1. Oklahoma Universal Services

PART 3. OKLAHOMA UNIVERSAL SERVICE FUND

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SUBCHAPTER 3. OKLAHOMA UNIVERSAL SERVICE FUND**PART 1. OKLAHOMA UNIVERSAL SERVICES****165:59-3-1. Oklahoma Universal Services**

(a) Oklahoma Universal Services shall consist of Primary Universal Services and Special Universal Services.

(b) The Commission may, by rule, expand primary universal services to be supported by the OUSF after notice and hearing as provided in Section 139.106(J) of the Oklahoma Telecommunications Act.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

PART 3. OKLAHOMA UNIVERSAL SERVICE FUND

165:59-3-10. Use of the Oklahoma Universal Service Fund

The Oklahoma Universal Service Fund is a state fund for demonstrated necessity or statutory entitlement. Funds from the Oklahoma Universal Service Fund may be sought as necessary to maintain rates for primary universal services that are reasonable and affordable, for special universal services, and for E911 and Technology Training Fund contributions, consistent with the Oklahoma Telecommunications Act.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-11. How the Oklahoma Universal Service Fund shall be funded

The OUSF shall be funded consistent with 17 O.S. §139.107.

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 15 Ok Reg 1061, eff 1-6-98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-12. Operational requirements and processes for the OUSF [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1061, eff 1-6-98 (emergency); Revoked at 15 Ok Reg 1901, eff 7-1-98]

165:59-3-13. Fund amount

(a) The Commission shall initiate a docket to adjust the funding level, as necessary or on an annual basis, and bill the telecommunications carriers required to contribute to the fund under OAC 165:59-3-11.

(b) Within thirty (30) days from the date of billing for contributions received from the Administrator or contracted agent, each contributor shall submit payment to the Administrator or, if designated, to the contracted agent.

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 15 Ok Reg 1061, eff 1-6-98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Amended at 28 Ok Reg 2259, eff 7-25-11]

165:59-3-14. Eligibility to receive OUSF funding

(a) The incumbent local exchange telecommunications service provider, its successors and assigns, which owned, maintained and provided facilities for universal service within a local exchange area on January 1, 1996, shall be the local exchange telecommunications service provider eligible for OUSF funding within the local

exchange area, except as otherwise provided for in the Telecommunications Act of 1997, 17 O.S. § 139.101, et seq.

(b) Upon request, and after notice and hearing, the Commission shall consider the designation of more than one eligible local exchange telecommunications service provider in a universal service area to receive funding from the OUSF under the Oklahoma Telecommunications Act of 1997 and 47 U.S.C. 214(e).

(c) Where the incumbent local exchange telecommunications service provider receives or is eligible to receive monies from the OUSF, except as otherwise provided in 17 O.S. § 139.106, the Commission, after notice and hearing, may designate other local exchange telecommunications service providers to be eligible for the funding, provided:

(1) The other local exchange telecommunications service provider is certificated by the Commission to provide and offer the primary universal services supported by the OUSF to all customers in the universal service area designated by the Commission, using its own facilities, or a combination of its own facilities and the resale of the services or facilities of another;

(2) The other local exchange telecommunications service provider may only receive funding for the portion of the facilities that it owns, maintains, and uses for regulated services;

(3) The other local exchange telecommunications service provider shall not receive OUSF funding at a level higher than the level of funding the incumbent local exchange telecommunications service provider is eligible to receive for the same area if the incumbent local exchange telecommunications service provider is also providing service in the same area; provided, the cost of any cost studies required to be performed shall be borne by the party requesting such studies, unless the party performing the study utilizes the study for its own benefit;

(4) The other local exchange telecommunications service provider advertises the availability and charges for services it provides through a medium of general distribution; and,

(5) It is determined by the Commission that the designation is in the public interest and the other local exchange telecommunications service provider is in compliance with all Commission rules for which a waiver has not been granted.

(d) For any area served by an incumbent local exchange telecommunications service provider which serves less than seventy-five thousand (75,000) access lines within the State, only the incumbent local exchange telecommunications service provider shall be eligible for OUSF funding except;

(1) Other eligible telecommunications carriers which provide Special Universal Services or Lifeline service shall be eligible to request and receive OUSF funds in the same manner as the incumbent local exchange telecommunications service provider in the same area pursuant to this Chapter;

(2) The incumbent local exchange telecommunications service provider may elect to waive the right to be the only eligible local exchange telecommunications service provider within the local exchange area by filing notice with the Commission; or

(3) When the Commission, after notice and hearing, makes a determination that it is in the public interest that another local exchange telecommunications service provider should also be deemed a carrier of last resort and be eligible to receive OUSF funding in addition to the incumbent local exchange telecommunications

service provider. It shall not be in the public interest to designate another local exchange telecommunications service provider as being a carrier of last resort and eligible to receive OUSF funding if such designation would cause a significant adverse economic impact on users of telecommunications services generally or if the other carrier refuses to seek and accept carrier of last resort obligations throughout the universal service area as designated by the Commission. The other local exchange telecommunications service provider shall not receive OUSF funding at a level higher than the level of funding the incumbent local exchange telecommunications service provider is eligible to receive for the same area if the incumbent local exchange telecommunications service provider is also providing service in the same area and the other local exchange telecommunications service provider meets the requirements of subsection (c) of this Section.

(e) In order to be designated as an eligible local exchange telecommunications service provider for purposes of Federal Universal Service support, the local exchange telecommunications service provider shall meet the requirements of 47 U.S.C. § 214(e).

(f) Notwithstanding the criteria set forth in this Section for designation as an eligible local exchange telecommunications service provider, a commercial mobile radio service provider may, after notice and hearing, seek reimbursement from the OUSF for the provision of services supported by the OUSF.

(g) Notwithstanding the criteria set forth in this Chapter for designation as an eligible local exchange telecommunications service provider, OneNet and/or any telecommunications carrier may seek reimbursement from the OUSF for the provision of Special Universal Services consistent with 17 O.S. § 139.109.

(h) Any provider who is not prohibited from applying for OUSF funds as set forth in 17 O.S. §139.109, shall receive funding for any Special Universal Services provided and contributions made to the Oklahoma E911 Emergency Service Fund and the Oklahoma Telecommunications Technology Training Fund from the OUSF without a hearing, in a manner consistent with OAC 165:59-7-1. The funding shall be approved only after the appropriate forms have been submitted to and reviewed by the Administrator or contracted agent.

(i) For an area served by an incumbent local exchange telecommunications service provider which serves less than seventy-five thousand (75,000) access lines within the State, the incumbent local exchange telecommunications service provider may elect to waive the right to be the only eligible local exchange telecommunications service provider within the local exchange area by filing notice with the Commission.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 28 Ok Reg 2259, eff 7-25-11; Amended at 30 Ok Reg 1584, eff 7-11-13]

165:59-3-15. Relinquishment of OUSF support eligibility

In exchanges or wire centers where the Commission has designated more than one local exchange telecommunications service provider as eligible for OUSF funding, the Commission shall permit one or more of the local exchange telecommunications service

providers in the area to relinquish the designation as a local exchange telecommunications service provider eligible for OUSF funding in a manner consistent with Section 214(e)(4) of the Federal Telecommunications Act of 1996, upon a finding that at least one eligible local exchange telecommunications service provider shall continue to assume the carrier-of-last-resort obligations throughout the area.

[**Source:** Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 15 Ok Reg 1061, eff 1-6-98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98]

165:59-3-16. Designation of eligible telecommunications carriers for unserved areas

In no event shall any area(s) be without the capability of accessing universal services supported by the OUSF. If no provider of telecommunications services is currently providing the services that are supported by the OUSF to an unserved area or any portion of the area that requests such service, the Commission will:

- (A) Determine which eligible telecommunications carrier, or carriers, are best able to provide such service to the unserved area(s), or portion of the area(s); and,
- (B) Order such eligible telecommunications carrier, or carriers, to provide such service to that area(s), or portion of the area(s).

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97]

PART 5. ADMINISTRATION OF THE OUSF

165:59-3-30. Administration of the Fund

- (a) The Commission will appoint the OUSF Administrator, which shall be the Public Utility Division of the Commission.
- (b) The Public Utility Division, as the appointed Administrator, may as necessary, contract with a third party having no conflict of interest in the provisioning of telecommunications services, for the provisioning of administrative functions.
- (c) The Administrator is expressly authorized to bring actions before the Commission to enforce the provisions of this Chapter and the Oklahoma Telecommunications Act of 1997.
- (d) The OUSF Administrator or contracted agent shall act under the supervision of the Commission, in order to administer the OUSF in accordance with the rules and procedures approved by the Commission and consistent with the Oklahoma Telecommunications Act of 1997.
- (e) The Administrator's and/or contracted agent's general duties shall include:
 - (1) Receiving, distributing, and accounting for funds paid into the OUSF;
 - (2) Providing funding to eligible telecommunications providers from the OUSF;
 - (3) Managing the daily operations and affairs of the OUSF;
 - (4) Monitoring and assuring contribution/payment compliance as well as conducting periodic audits of contributors to the OUSF to ensure that the contributors are accurately reporting and making proper payments to the OUSF;

- (5) Monitoring and assuring that all federal and state universal service funds received, for primary and special universal services, by any entity are used for the provision, maintenance and/or upgrading of facilities and services for which the support is intended.
- (6) Performing any periodic audits of the OUSF deemed necessary by the Administrator and/or the Commission;
- (7) Informally resolving disputes;
- (8) Reviewing all Requests for OUSF Funding within time frames identified in this Chapter and making a recommendation to the Commission for approval, modification or denial of such requests; and,
- (9) Performing any other duties as required by law or this Chapter or as ordered by the Commission.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 20 Ok Reg 2320, eff 7-15-03]

165:59-3-31. [RESERVED]

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-32. Audits of the Fund

- (a) The OUSF shall be audited annually by an independent auditor selected by the Administrator.
- (b) The cost of the annual audit of the OUSF shall be funded by the OUSF.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-33. [RESERVED]

[**Source:** Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-34. Resolution of disputes regarding contributions to the OUSF and OLF

(a) Any telecommunications carrier operating within Oklahoma may dispute the amount of contribution assessed it by the Administrator for the OUSF and OLF, in the following manner:

- (1) The telecommunications carrier shall submit a written notice setting forth its dispute in detail to the Administrator, on or before the payment due date, and the Administrator shall have the initial responsibility for trying to resolve the dispute.

(2) If satisfactory resolution is not achieved within thirty (30) days of the receipt of the written notice of dispute, the telecommunications carrier may file an application in the Commission's Court Clerk's Office requesting that the Commission resolve the dispute.

(b) Pending final resolution of a dispute, the disputing telecommunications carrier shall pay the disputed and undisputed amounts to the OUSF and OLF.

(c) If the disputing telecommunications carrier prevails in its protest of the required contribution, the telecommunications carrier will be entitled to a refund, with interest, at the then effective interest rate, as provided by OAC 165:55-9-14(e)(1), from the date the disputed charge was paid to the date of refund.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

65:59-3-35. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-36. Resolution of other disputes

(a) Any adversely impacted party may dispute the actions of a telecommunications carrier related to the provisioning of Universal Services. The adversely affected party may contact the Administrator or contracted agent of the OUSF and the Administrator shall have the initial responsibility for trying to resolve the dispute.

(b) If satisfactory resolution is not achieved, the affected party may file an application requesting the Commission resolve the dispute.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98]

165:59-3-37. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-38. Violations

(a) Failure to pay an assessed contribution to the OUSF shall be deemed a violation of this Chapter.

(b) The Commission may use all authority it has pursuant to the Oklahoma Constitution and laws of this State to ensure compliance with the Oklahoma Telecommunications Act and this Chapter.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 30 Ok Reg 1586, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

PART 7. CONTRIBUTIONS TO THE OUSF

165:59-3-40. Contributors to the OUSF

Every telecommunication carrier shall contribute/make payments, on a nondiscriminatory basis, into the OUSF.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-41. [Reserved]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-42. Reporting requirements

Each telecommunications carrier shall, within thirty (30) days from the date of a request made for information necessary for the Administrator to perform its duties under the Oklahoma Telecommunications Act and this Chapter shall submit the requested information to the Administrator, unless otherwise agreed between the Administrator and the telecommunications carrier.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-43. [RESERVED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-44. Amount of contributions and charges assessed for the OUSF

(a) The amount of contribution required from each telecommunications carrier shall be as provided in the Oklahoma Telecommunications Act.

(b) The Administrator shall, based on the amount to be contributed to the OUSF, calculate the contribution required to be made to the OUSF by each contributor, based on the fund level established by the Commission and the information provided pursuant to OAC 165:59-3-42.

(c) Each telecommunications carrier shall pay its contribution directly to the Administrator as directed by the Administrator on a monthly, quarterly, or annual basis, at the carrier's option, at the beginning of the payment period(s) selected. The payment shall be payable to the "OUSF." The invoice or other request for OUSF contributions shall be past due thirty (30) calendar days after the date on the invoice, unless otherwise agreed by the Administrator or as may be ordered by the Commission.

(d) Interest shall be charged on any payment not received by the past due date at the rate of 1.5% monthly.

(e) All contributions and interest payments made to the "OUSF" shall be deposited into the OUSF account by the Administrator or contracted agent.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-45. [RESERVED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-46. Recovery of OUSF contributions

(a) A telecommunications carrier may, at its option, recover the amount it pays into the OUSF from its retail customers as provided in the Oklahoma Telecommunications Act. If the telecommunications carrier elects to recover the amount of its contributions from its retail customers, such recovery shall be made in a fair, equitable and nondiscriminatory manner.

(b) Any over-recovery of the OUSF contributions for the preceding year shall be carried forward to the ensuing year, and shall be included as a reduction in the calculation of the retail end-user recovery amount for the ensuing twelve-month period of the telecommunications carrier's OUSF contributions; recovery from its customers. Any under-recovery of the OUSF contribution for the preceding year, may be included as an increase in the calculation of the retail end-user recovery amount for the ensuing twelve-month period of the telecommunication carrier's OUSF recovery from its customers, provided the telecommunications carrier made a reasonable attempt to collect the funds the preceding year.

(c) The Commission may, as it deems appropriate, order modifications in a regulated telecommunications carrier's method of recovery from its customers, after notice and hearing.

(d) In the event a telecommunications carrier elects to recover its OUSF contributions from its customers, the amounts of the recovery shall be explicitly stated as a line item on customer's bills.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15]

PART 9. REQUEST FOR OUSF FUNDING

165:59-3-60. Requests for funding from the OUSF

(a) Any eligible telecommunications service provider may request funding from the OUSF as necessary to maintain rates for primary universal services, at rates that are reasonable and affordable, and special universal services, and to provide for reasonably comparable services at affordable rates in rural areas as in urban areas.

(b) Should the OUSF at any time experience a shortfall, the costs associated with administering the fund will be paid first, followed by the payment due to the Attorney General pursuant to 17 O.S. § 139.103. Thereafter, any residual funds will be distributed to eligible OUSF recipients on a pro rata basis, pursuant to their approved requests. The balance of each approved request for OUSF funding will be paid at such time as additional funds become available.

(c) Each request for OUSF funding by an eligible ILEC serving less than seventy-five thousand (75,000) access lines shall be in accordance with the Oklahoma Telecommunications Act.

(d) The Commission shall process any request for OUSF funding by an ILEC serving seventy-five thousand (75,000) or more access lines or a CLEC, in accordance with the Oklahoma Telecommunications Act.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 30 Ok Reg 1586, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-61. Forms for requesting funding from the OUSF

The appropriate forms necessary for making an OUSF funding request shall be available on the Commission's website and may be obtained from the Administrator.

[**Source:** Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 15 Ok Reg 1061, eff 1-6-98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-62. Procedures for requesting funding from the OUSF

(a) An eligible local exchange telecommunications service provider or provider of Special Universal Services requesting funds from the OUSF shall file a "Request for OUSF Funding" with the Commission Court Clerk's Office. On the date of filing the Request for OUSF Funding, the eligible telecommunications carrier or provider of Special Universal Services shall deliver a filed copy of the Request to the Administrator for processing. To facilitate the timely evaluation of requests for funding from the OUSF, a Request for OUSF Funding shall not contain a request for funding Special Universal Services to more than one Eligible Healthcare Entity or more than one School District or more than one Library system. The filing of the Request for OUSF Funding

shall start the 90 day review period established by 17 O.S. §139.106(D) unless otherwise agreed to by the requesting provider.

(b) Applications found to be incomplete (missing information required by the form and instruction package contained on the Commission website) may be denied.

(c) It is the intention of the Commission that each funding request will be reviewed on a case-by-case basis. Part 9 of Subchapter 3 does not purport to predetermine the merits of any funding request. The eligible telecommunications service provider requesting OUSF funding for primary universal service shall make every reasonable and timely effort to obtain funding from alternative funding sources designated to support universal service, and shall submit all documentation of the effort to obtain funding from alternative funding sources designated to support universal service as a part of its Request for OUSF funding set forth in subsection (a), or an explanation for why alternative funding is not available. Upon the company providing the documentation that it has sought alternative funding sources or an explanation for why alternative funding is not available, the company shall not be precluded from having its application processed.

(d) If a provider receives funding from alternative funding sources for an investment or expense already reimbursed by the OUSF, the provider shall refund the double collection to the OUSF by either reducing a prospective funding request from the OUSF by an equivalent amount or remitting cash payment to the OUSF. Under no circumstances will double recovery be allowed.

(e) Concurrent with the filing of the Request for OUSF Funding, the eligible telecommunications carrier who is requesting funding from the OUSF shall provide copies of its Request for OUSF Funding and notice of the Request for OUSF Funding, to the Director of the Public Utility Division, to the Attorney General and to the school/library/telemedicine entity. In addition, the eligible telecommunications carrier, which is requesting funding shall provide notice of the Request for OUSF Funding to the contributors to the OUSF. The notice requirement to each telecommunications carrier in the State of Oklahoma which is a contributor to the OUSF, shall be accomplished by providing an electronic copy of such notification to the Fund Administrator on the date the eligible telecommunications provider files its Request for OUSF Funding at the Commission's Court Clerk's office for posting on the OCC website. The OUSF Administrator will then place the notification on the OCC website within five (5) business days. The Administrator shall provide a list of the contributors to the OUSF, upon request by an eligible telecommunications carrier. The notice shall identify whether the request is for Lifeline support, Primary Universal Service support or Special Universal Service support. The notice and Request for OUSF Funding shall also include the dollar amount requested for the lump sum and any recurring amounts, as well as the name and address of the school/library/telemedicine entity for which OUSF funding is sought in the Application.

(f) An eligible telecommunications carrier or provider of Special Universal Services shall submit to the Administrator or file with its Request for OUSF Funding a copy of its tariffed rate for the data speed set forth in 17 O.S. § 139.109(C)(4) or its equivalent. If the eligible carrier or provider does not have a tariffed rate for the data speed set forth in 17 O.S. § 139.109(C)(4), then the eligible carrier or provider shall provide a copy of its Individual Case Basis pricing or a document that describes the rates being charged.

The eligible carrier or provider shall also provide a diagram showing the configuration identifying components and charges.

(g) Within ninety (90) days after receipt of the completed Request for OUSF Funding, the Administrator shall review, determine the accuracy of the request, and advise the provider requesting the OUSF funds of the determination of eligibility. Simultaneously with the Administrator or contracted agent advising the provider, the Administrator or contracted agent shall provide the written determination to the Commission and post it to the Commission's website. The carrier shall provide a copy of the Administrator's Determination to the school/library/telemedicine entity within five (5) days after it is filed.

(h) Any adversely affected party shall have fifteen (15) days to file a request for reconsideration by the Commission of the Determination made by the Administrator. Upon filing a request for reconsideration, the party requesting reconsideration shall file a Request for Procedural Schedule with the Request for Reconsideration that sets the Request for Reconsideration before an Administrative Law Judge.

(i) The Commission will, within thirty (30) days from the request for reconsideration, issue an order on the Request for OUSF Funding after reviewing the Administrator's or contracted agent's Determination regarding the Request for OUSF Funding and any request for reconsideration. The party requesting reconsideration shall give notice to the provider making the Request for OUSF Funding, the Attorney General, the Administrator or contracted agent, the school/library/telemedicine entity on whose behalf which funding is requested and all parties of the time and place for hearing.

(j) If no request for reconsideration of the Administrator's Determination is filed, an order will be issued by the Commission approving the request without further notice and/or hearing.

(k) If a Request for Reconsideration is filed and the Commission does not issue an order within the time frames set forth in this Section, the request shall be deemed approved, on an interim basis, subject to refund, with interest at a rate determined by the Commission. Any refund shall include interest at a rate of not more than the interest rate established by the Commission on customer deposits and shall accrue for a period not to exceed ninety (90) days from the date the funds were received by the requesting eligible provider.

(l) The Commission shall ensure that all OUSF funds have been received and are on deposit in a sufficient manner so as to pay requests for OUSF funding for primary Universal Services as ordered by the Commission, or as may be deemed approved in accordance with State law. The Administrator or contracted agent shall authorize payment of the approved funding to the requesting Incumbent Local Exchange Carrier, OneNet, or company that has a Certificate of Convenience and Necessity, after issuance of a Commission order approving payment or the request is deemed approved, whichever occurs sooner.

(m) Any Request for OUSF Funding may be returned to the requesting party and deemed denied if the appropriate forms are not used or said forms are not completed in a satisfactory manner. The appropriate forms and applicable instructions may be obtained from the Administrator or the Commission's website.

(n) Unless good cause is shown, any request for OUSF funding should be made within eighteen (18) months from the date the requesting telecommunications carrier can determine the impact of occurrence of the circumstance giving rise to the request.

(o) An eligible telecommunications carrier or provider shall receive future reimbursement upon submission of properly submitted true-ups to the Fund Administrator or contracted agent, and upon request, provide copies of invoices submitted to the customer or subscriber showing a credit equivalent to the reimbursement which has been received by the provider from the OUSF.

(p) An eligible telecommunications carrier or provider shall submit changes to the monthly recurring support based on discount adjustments received from alternative funding sources designated to support universal service such as E-Rate and the FCC's rural health care programs, to the Fund Administrator or contracted agent via the monthly true-up reports, for processing. Any ongoing monthly recurring charges will be adjusted as necessary based on the appropriate discount approved by the Universal Service Administrative Company.

(q) An eligible telecommunications carrier or provider shall notify the Fund Administrator or contracted agent in writing, of any changes to the provisioning of service, including but not limited to disconnection of service, upgrade and/or downgrade in connectivity speed, and adding or removing eligible buildings. Any increase to the number of entities will require approval from the Fund Administrator or contract agent in order to determine if a new application will be required and a new Commission Order issued to approve reimbursement. The Administrator shall advise the provider of its determination within thirty (30) days of receipt of the written notice provided by the provider. If the Administrator fails to advise the provider of its determination within the thirty (30) day period the OUSF funding being received by the provider will not change until a new request for OUSF funding is processed in accordance with the Oklahoma Telecommunications Act and this Chapter.

(r) An eligible telecommunications carrier or provider of Special Universal Services requesting funds from the OUSF may request preapproval of a Request for OUSF Funding.

(1) A request for preapproval shall follow the procedures outlined in OAC 165:59-3-62 (a)–(q). The purpose of such a preapproval request is to provide greater certainty to providers of Special Universal Services and the eligible institutions that rely on those services. No OUSF funds shall be dispersed to an eligible telecommunications carrier or provider of Special Universal Services until the services are installed and in service. The amount of OUSF funding preapproved under this subsection shall be subject to adjustments based on the amount of support received from other sources, if any, as well as adjustments to pricing that may occur between the time of preapproval and installation of service. Additional services or buildings that are installed beyond those contained in the pre-approved application shall require an additional application to be filed.

(2) Upon receipt of an application under this paragraph, the Administrator shall process the application in the manner outlined in 165:59-3-62 (e)-(j). If the Administrator recommends that preapproval be granted, the Commission may enter an Interim Order regarding the specific request for which preapproval is sought. After the services are installed and in service, the provider of Special Universal Services shall provide documentation regarding the installation and charge for the services, after which time the Commission may enter a final order in the cause

approving disbursement of OUSF funds if there are no material differences between the services for which pre-approval was granted and the services that were installed.

(3) This paragraph is intended to supplement and not supplant the current application process, and eligible telecommunication carriers and providers of Special Universal Services shall still submit requests for funding from OUSF in the manner provided in OAC 165:59-3-62 (a)–(q).

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 18 Ok Reg 2448, eff 7-1-01; Amended at 20 Ok Reg 2321, eff 7-15-03; Amended at 28 Ok Reg 2260, eff 7-25-11, Amended at 29 Ok Reg 1583, eff 7-12-12; Amended at 30 Ok Reg 1587, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-3-63. [RESERVED]

[Source: Reserved at 15 Ok Reg 1061, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1901, eff 7-1-98]

165:59-3-64. Identifying and measuring the level of OUSF funding

(a) In identifying and measuring the costs of providing primary universal services, exclusively for the purpose of determining OUSF funding levels under 17 O.S. § 139.106, the eligible local exchange telecommunications service provider serving less than seventy-five thousand (75,000) access lines shall, at its option:

(1) Calculate such costs by including all embedded investments and expenses incurred by the eligible local exchange telecommunications service provider in the provision of primary universal service, and may identify high-cost areas within the local exchange area it serves and perform a fully distributed allocation of embedded costs and identification of associated primary universal service revenue. Such calculation may be made using fully distributed FCC Parts 32, 36, and 64 costs, if such Parts are applicable. The high-cost area shall be no smaller than a single exchange, wire center, or census block group, chosen at the option of the eligible local exchange telecommunications service provider; or,

(2) Adopt the cost studies approved by the Commission for a local exchange telecommunications service provider that serves seventy-five thousand (75,000) or more access lines; or,

(3) Adopt such other costing or measurement methodology as may be established for such purpose by the FCC pursuant to Section 254 of the Federal Telecommunications Act of 1996.

(b) In identifying and measuring the cost of providing primary universal services, and exclusively for the purpose of determining OUSF funding levels pursuant to 17 O.S. § 139.106, each ILEC which serves seventy-five thousand (75,000) or more access lines and each CLEC shall identify high-cost areas within the local exchange and perform a cost study using a Commission-approved methodology from those identified in

subsection (a) of this Section. The high-cost area shall be no smaller than a single exchange, wire center or census block group chosen at the option of the eligible ILEC or CLEC. If the Commission fails to approve the selected methodology within one hundred twenty (120) days of the filing of the selection, the selected methodology shall be deemed approved.

[Source: Added at 15 Ok Reg 1061, eff 1-6-98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Amended at 30 Ok Reg 1589, eff 7-11-13]

SUBCHAPTER 5. LIFELINE SERVICE [REVOKED]

Section

- 165:59-5-1. Lifeline Service Program [REVOKED]
- 165:59-5-2. [RESERVED]
- 165:59-5-3. Audits [REVOKED]
- 165:59-5-4. [RESERVED]
- 165:59-5-5. Recertification [REVOKED]

SUBCHAPTER 5. LIFELINE SERVICE [REVOKED]

165:59-5-1. Lifeline Service Program. [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1195, eff 1-6-98 (emergency); Revoked at 15 Ok Reg 1915, eff 7-1-98]

165:59-5-2. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-5-3. Audits [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1195, eff 1-6-98 (emergency); Revoked at 15 Ok Reg 1914, eff 7-1-98]

165:59-5-4. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-5-5. Recertification [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1195, eff 1-6-98 (emergency); Revoked at 15 Ok Reg 1915, eff 7-1-98]

SUBCHAPTER 7. SPECIAL UNIVERSAL SERVICES

Section

- 165:59-7-1. Reimbursement from the OUSF for Special Universal Service
- 165:59-7-2. [RESERVED]
- 165:59-7-3. Criteria for demonstration of need for Special Universal Services
[REVOKED]
- 165:59-7-4. [RESERVED]
- 165:59-7-5. Toll-free calling to not-for-profit hospitals
- 165:59-7-6. Telemedicine access for eligible healthcare entities
- 165:59-7-7. Toll-free calling to public schools and public libraries
- 165:59-7-8. Internet access to public schools and libraries
- 165:59-7-9. County seats
- 165:59-7-10. Other sources of funds
- 165:59-7-11. Dispute resolution
- 165:59-7-12. [RESERVED]
- 165:59-7-13. Reselling of Special Universal Services Prohibited
- 165:59-7-14. [RESERVED]
- 165:59-7-15. Provision of Special Universal Services
- 165:59-7-16. [RESERVED]
- 165:59-7-17. Disclosure on bill regarding provided Special Universal Services

SUBCHAPTER 7. SPECIAL UNIVERSAL SERVICES

165:59-7-1. Reimbursement from the OUSF for Special Universal Service

(a) A provider of Special Universal Services may be eligible to receive funding from both the OUSF and other state or federal funds; however, in no instance will there be a double recovery. If the provider of Special Universal Services receives funding from another state or federal fund for an investment or expense already reimbursed by the OUSF, the provider shall reduce the amount of its prospective funding from the OUSF by an equivalent amount. The provider of Special Universal Services shall work with the recipient to make every reasonable effort to obtain funding from another state and/or federal fund designated to support special universal service; however, such efforts shall not delay or affect the provider's ability to receive funding from the OUSF pursuant to the provisions of this Chapter and the Oklahoma Telecommunications Act. The provider shall provide the Commission with information regarding the recipient's request for funding from government sources designed to support the provisioning of the Special Universal Service, i.e. the federal schools and libraries program or federal rural health care program, or an explanation why such funding is not available or why the recipient of the Special Universal Service did not request such funding. Failure to provide such documentation regarding Special Universal Service may result in the

Commission denying the request for Special Universal Service funding from the OUSF.

(b) A provider of the free-of-charge telecommunications services identified in this Chapter and 17 O.S. § 139.109 as Special Universal Services, shall be reimbursed from the OUSF for the provisioning of said Special Universal Services, if requested.

(c) A provider of Special Universal Services seeking reimbursement from the OUSF for the tariffed rate or charge for any Special Universal Service provided must make its request for reimbursement pursuant to OAC 165:59-3-62, in the same manner that an eligible telecommunications carrier requests funds from the OUSF for purposes other than the provisioning of Special Universal Services. The requesting provider shall submit information with its Request for OUSF Funding that identifies where and to whom the services were provided, along with documentation supporting the requested level of funding. The information shall include the applicable tariffed rate or charges for providing the services.

(d) Upon receipt of a Request for OUSF Funding, the Administrator of the OUSF or the contracted agent shall review the Request and, if appropriate, reimburse the provider of the Special Universal Services, consistent with the Oklahoma Telecommunications Act.

(e) The Commission will utilize the following procedures when evaluating a request for OUSF funding for internet access to a public school or public library:

(1) Competitive bidding should be used for all services where OUSF funding will be sought, including costs for internet access to schools and libraries for the balance not paid by E-Rate, up to the eligible 1.5 Mbps building credit equivalent.

(2) An affidavit will be required from the public school or public library that the bid information submitted to the Administrator for review contains all the bids received by the school or library.

(3) The OUSF will not reimburse charges for redundant service(s).

(4) The provider of the LAN/WAN will be given 30 days notice prior to their reimbursement being reduced due to the funding going to the internet access provider first, unless the reduction in funding is caused by an increase in the rate of the LAN/WAN provider.

(5) Funding from the OUSF will be provided to the incumbent carrier until the date of disconnection or thirty (30) days after the end-user provides the notice to disconnect to the incumbent carrier; whichever occurs first.

(6) In instances where the provider has not filed or submitted a 1.5-Mbps tariff to the Commission, the OUSF will calculate the 1.5-Mbps building credit using the amount established for a 1.5-Mbps credit by Commission Order.

(7) For applications that include funding for the internet access and for LAN/WAN systems, the OUSF will reimburse distance sensitive mileage for the internet access for the "first building" credit when the carrier's tariff has a mileage sensitive component. Each subsequent building credit will not include distance sensitive mileage.

(8) For applications that include funding for LAN/WAN only, the OUSF will not fund distance sensitive mileage in any building credit unless more than one Central Office is involved to provision internet access. In the latter case, distance sensitive mileage will be allowed for only one (1) building credit per central office.

(9) In the event a school uses multiple service providers for the Internet and LAN/WAN connection, available building credits will be utilized to first fund the

Internet service provider, and then the LAN/WAN service provider will be funded based upon remaining available building credits.

(10) The OUSF will fund reasonable installation charges. Installation charges may be amortized over a reasonable period of time to avoid excessive switching, reduced quality of service and excessive burden on the OUSF caused by untimely carrier changes.

(11) The OUSF will not reimburse monthly fees or hardware related to optional services, such as managed routers. The OUSF may pay a one-time cost for the installation charge associated with configuring the router.

(12) One (1) building credit is available for each building which contains classrooms wherein students in pre-kindergarten through twelfth grades receive internet based coursework. Buildings with a physical firewall would qualify for a building credit for each section of the building that is separated by a physical functional firewall.

(13) A building that is the point of service, but which fails to otherwise qualify as a public school building in which classrooms are contained, does not qualify as a building for the purpose of calculating building credits.

(14) Building credits will only be allowed for buildings with classrooms that have active student instructional/testing internet sessions or use the building for state mandated testing that uses internet access. In instances where the internet usage is limited to student testing, the school must demonstrate that alternative locations or methods for testing are not available.

(15) The OUSF will not fund internet access to a building for more than 60 days during the construction phase or any remodeling/out-of-service timeframes that occur over an extended period.

(16) Once an Order regarding OUSF reimbursement has been issued, the Telecommunications Carrier should submit true-up reports to the OUSF manager on a monthly basis. Payment will be limited to ninety (90) days of true-up; other than for the initial true-up filed after the final Order is issued. After the initial true-up request, a new application must be filed to recover any true-up amount that exceeds ninety (90) days of service, unless otherwise agreed to by the Administrator.

(17) True-up reports must be received in the form and content prescribed by the OUSF Administrator.

(18) The Administrator will post to the Commission website a copy of the monthly payout true-up report; within five (5) days of the payout true-up report being approved by the OUSF Administrator.

(19) True-up monthly recurring amounts or other funding related changes (i.e. number of buildings or level of bandwidth) will not be increased from the ordered amount without supporting documentation being made available to the OUSF Administrator.

(20) Increases in cost caused by the expiration of a contract will not be permitted via true-up when the new cost is higher than 10% of the expired contract and when there is no new contract in place. A new application will need to be filed in the Court Clerk's office to recover any difference in prices that exceed 10% of the expired contract price.

(21) Any additional service above and beyond the internet access line on contracts and invoices will be denied, unless good cause is shown for reasonable pricing and

public interest. Invoices provided to request recovery from the OUSF must contain a breakdown of non-eligible expenses, such as additional internet maintenance service, Quality of Service product, firewall, email packages, domain registration, etc.

(f) The Commission will utilize the following procedures when evaluating a request for OUSF funding for a telemedicine line:

(1) Competitive bidding should be used for all services where OUSF funding will be sought.

(2) An affidavit will be required from the telemedicine entity that the bid information submitted to the Administrator for review contains all the bids received by the telemedicine entity.

(3) The OUSF will not reimburse charges for redundant service(s).

(4) Funding from the OUSF will be provided to the incumbent carrier until the date of disconnection or thirty (30) days after the end-user provides the notice to disconnect to the incumbent carrier; whichever occurs first.

(5) The OUSF will fund reasonable installation charges. Installation charges may be amortized over a reasonable period of time to avoid excessive switching, reduced quality of service and excessive burden on the OUSF caused by untimely carrier changes.

(6) The OUSF will not reimburse monthly fees or hardware related to optional services, such as managed routers or maintenance.

(7) Once an Order regarding OUSF reimbursement has been issued, the Telecommunications Carrier should submit true-up reports to the OUSF manager on a monthly basis. Payment will be limited to ninety (90) days of true-up; other than for the initial true-up filed after the final Order is issued. After the initial true-up request, a new application must be filed to recover any true-up amount that exceeds ninety (90) days of service, unless otherwise agreed to by the Administrator.

(8) True-up reports must be received in the form and content prescribed by the OUSF Administrator.

(9) The Administrator will post to the Commission website a copy of the monthly payout true-up report; within five (5) days of the payout true-up report being approved by the OUSF Administrator.

(10) Changes to the funding level may not be done by true-up unless expressly authorized by the OUSF Administrator after review of changes to the bandwidth needs of the eligible healthcare entity. True-up monthly recurring amounts or other funding related changes (i.e. level of bandwidth) will not be increased from the ordered amount without supporting documentation being made available to the OUSF Administrator.

(11) Increases in cost caused by the expiration of a contract will not be permitted via true-up when the new cost is higher than 10% of the expired contract and when there is no new contract in place. A new application will need to be filed in the Court Clerk's office to recover any difference in prices caused by an expired contract.

(12) Any additional service above and beyond the telemedicine line on contracts and invoices will be denied, unless good cause is shown for reasonable pricing and public interest. Invoices provided to request recovery from the OUSF must contain

a breakdown of non-eligible expenses, such as Quality of Service product, firewall, email packages, domain registration, etc.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Amended at 28 Ok Reg 2261, eff 7-25-11, Amended at 29 Ok Reg 1583, eff 7-12-12; Amended at 30 Ok Reg 1589, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-7-2. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-7-3. Criteria for demonstration of need for Special Universal Services [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1199, eff 1-6-98 (emergency); Revoked at 15 Ok Reg 1919, eff 7-1-98]

165:59-7-4. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-7-5. Toll-free calling to not-for-profit hospitals

(a) Upon receipt of a written request by an authorized representative of a not-for-profit hospital, as defined by this Chapter, a telecommunications carrier shall, by itself or in conjunction with another provider of telecommunications services, provide a toll-free telephone number, and up to a total of five access lines, free of charge, to allow incoming toll-free calls from any location within the geographic area served by the requesting not-for-profit hospital. The furnished telephone number shall allow toll-free calls from the geographical area served by the not-for-profit hospital, or a larger area if providing access to a larger area is determined by the telecommunications carrier to be more economical. The written request shall be in the form and content approved by the Director of the Public Utility Division.

(b) Where the technical capability exists, the telecommunications carrier shall periodically monitor the usage only of each provided telephone number, and if, upon review, usage does not support the initially requested number of access lines, the number of access lines may be reduced.

(c) The telecommunications carrier providing the Special Universal Service shall receive reimbursement from the OUSF in the amount of the tariffed rate or charge directly attributable to the provisioning of the incoming, toll-free telephone number, the associated usage, the access lines and all access or other charges paid by the telecommunications carrier providing the Special Universal Service.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Amended at 18 Ok Reg 2448, eff 7-1-01]

165:59-7-6. Telemedicine access for eligible healthcare entities

(a) It is the intention of the Commission that this Chapter be interpreted to assist in the development of telemedicine programs which in turn have the following effects on eligible health care entities:

- (1) Empowering eligible healthcare entities, especially those in rural areas, to provide a higher level of medical service;
- (2) Expanding the range of medical services available, especially those in rural areas;
- (3) Providing greater access to more choices in medical care by patients in rural areas;
- (4) Reducing the number of rural patient transfers to urban areas;
- (5) Enhancing rural economic development; and
- (6) Reducing the costs of medical care at eligible healthcare entities.

(b) Upon receipt of a written request by an authorized representative of an eligible healthcare entity, as defined by this Chapter, the telecommunications carrier or OneNet shall, by itself or in conjunction with another provider of telecommunications services, provide one telecommunications line or wireless connection, free of charge, sufficient for providing such telemedicine, clinical, and health consultation services as the entity is equipped to provide as set forth in 17 O.S. § 139.109(C)(2).

(c) The telecommunications carrier shall be entitled to reimbursement from the OUSF for the recurring amount of the tariff rate or charge directly attributable to the telecommunications line or wireless connection.

(d) In no case, however, shall reimbursement from the OUSF be made for an Internet subscriber fee or charges incurred as a result of services accessed via the Internet.

(e) The telecommunications carrier shall be entitled to reimbursement from the OUSF for a one-time reasonable charge for the establishment of service of a new telecommunications line or wireless connection. Under this subsection (e) reimbursement is intended to allow for reasonable changes in 1) the telecommunications services and technologies purchased by an eligible healthcare entity, 2) the physical location of an eligible healthcare entity by permitting establishment of new service at a new location, and 3) the telecommunications carrier providing service to an eligible healthcare entity.

(f) The written request by an authorized representative of an eligible healthcare entity to a telecommunications carrier or OneNet shall be in the form and content approved by the Director of the Public Utility Division.

(g) No later than February 1, each eligible healthcare entity that receives OUSF telemedicine funding shall, annually recertify for the purpose of determining their continued eligibility. The annual recertification shall be in the form and content approved by the Director of the Public Utility Division. If the healthcare entity is not recertified for the current level of funding, then funding will be adjusted or cease as of

July 1 of the same calendar year unless determined otherwise by the Commission; except that in 2013 funding shall be adjusted or cease December 31, 2013, unless determined otherwise by the Commission.

(h) No later than May 1, the Public Utility Division shall mail a letter to each eligible healthcare entity and its telecommunications service provider, to inform of the Public Utility Division's determination regarding recertification. If either the eligible healthcare entity or the telecommunications service provider disputes the determination of eligibility or bandwidth to be funded by the OUSF after July 1 of that year (December 31, in 2013 only), they may file an application in the Court Clerk's office to request reconsideration by the Commission.

(i) Effective July 1, 2016, eligible healthcare entities that are eligible for funding from a federal healthcare program are expected to not only request funding, but are expected to follow through and complete the process for federal funding. The telecommunications carrier that provides the Special Universal Service to an eligible healthcare entity that is eligible for federal funding shall provide the Form 463 and/or Form 467 filed by the eligible healthcare to PUD, within thirty (30) days after the eligible healthcare entity has submitted the form to the Universal Service Administrative Corporation.

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 18 Ok Reg 2448, eff 7-1-01; Amended at 22 Ok Reg 1821, eff 7-1-05, Amended at 29 Ok Reg 1583, eff 7-12-12; Amended at 30 Ok Reg 1589, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-7-7. Toll-free calling to public schools and public libraries

(a) Upon receipt of a written request by an authorized representative of a public school or public library, as defined by this Chapter, a telecommunications carrier shall, by itself or in conjunction with another provider of telecommunications services, provide one incoming, toll-free telephone number and up to a total of five access lines, free of charge, for each public school building wherein classrooms are contained and for each public library, for the purpose of allowing incoming toll-free calls from any location within the geographical area served by the requesting public school or public library, or a larger area if such area is determined by the telecommunications carrier to be more economical. The written request by a public school or public library shall be in the form and content approved by the Director of the Public Utility Division.

(b) Where the technical capability exists, the telecommunications carrier shall periodically monitor the usage only of each provided telephone number and if, upon review, usage does not support the initially requested number of access lines, the number of access lines may be reduced.

(c) The telecommunications carrier providing the Special Universal Service shall receive reimbursement from the OUSF in the amount of the tariffed rate or charge directly attributable to the provisioning of the incoming, toll-free telephone number, the associated usage, the access lines and all access or other charges paid by the telecommunications carrier providing the Special Universal Service.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98]

165:59-7-8. Internet access to public schools and libraries

(a) It is the intention of the Commission that this Chapter be interpreted to maximize the availability of Internet access to all public schools and public libraries within Oklahoma, so that children within Oklahoma will be able to utilize the Internet to enhance their learning opportunities, thereby better preparing them for the future.

(b) Upon receipt of a written request by a public school or a public library, the telecommunications carrier or OneNet shall, by itself or in conjunction with another provider of Special Universal Services, provide each public school building wherein classrooms are contained and each public library in the state one access line, free of charge, with the ability to connect toll-free to an Internet service provider at 1.5 Mbps as set forth in 17 O.S. § 139.109 (C)(4), in the most economically efficient manner for the carrier, or an equivalent dollar credit to be applied by the public school or public library toward similar services, including services are required to link locations prior to accessing a service provider.

(c) The written request by a public school or public library shall be in the form and content approved by the Director of the Public Utility Division and for a public school shall include an affidavit from the school regarding the number of buildings and a description thereof, for which a building credit is requested. The public school shall also provide a statement explaining the service requested for reimbursement and an affidavit that the service is needed to achieve the educational needs of the school's students.

(d) In no case will the OUSF reimburse an entity for an Internet subscriber fee or charges incurred as a result of services accessed via the Internet.

(e) The provider of the Internet access component of Special Universal Service shall receive reimbursement from the OUSF in the amount of the tariffed rate or charges directly attributable to the provisioning of the toll-free access line capable of connecting with an Internet service provider as set forth in 17 O.S. § 139.109 (C)(4) and Subchapter 7, and the associated usage, and all access or other charges paid by the provider of the Special Universal Service.

[**Source:** Reserved at 14 Ok Reg 2562, Eff 7-1-97; Added at 15 Ok Reg 1199, eff 1-6-98 (emergency); Added at 15 Ok Reg 1919, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 28 Ok Reg 2261, eff 7-25-11; Amended at 30 Ok Reg 1590, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-7-9. County seats

(a) Upon receipt of a written request from the board of county commissioners, a telecommunications carrier shall, by itself or in conjunction with another provider of telecommunications services, provide one incoming, toll-free telephone number and up to a total of five access lines, free of charge, for the purpose of allowing incoming, toll-free calls from any location within the geographic area served by the requesting county seat. The furnished telephone number shall allow incoming calls from a larger area if

the provision of such service is determined to be more economically efficient for the telecommunications carrier. The written request by a board of county commissioners shall be in the form and content approved by the Director of the Public Utility Division.

(b) Where the technical capability exists, the telecommunications carrier shall periodically monitor the usage only of the provided telephone number, and if, upon review, usage does not support the requested number of access lines, the number of access lines may be reduced.

(c) The telecommunications carrier providing the Special Universal Service shall receive reimbursement from the OUSF in the amount of the tariffed rate or charge directly attributable to the provisioning of the incoming, toll-free telephone number, the associated usage, the access lines and all access or other charges paid by the telecommunications carrier providing the Special Universal Service.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98]

165:59-7-10. Other sources of funds

Recipients of funds for Special Universal Services should make every reasonable effort to seek other sources of funding from state or federal funds, to minimize the impact on the Oklahoma Universal Service Fund. This includes completing the application process and requesting disbursement of funds from the federal fund administrator when funding is approved.

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 18 Ok Reg 2448, eff 7-1-01; Amended at 28 Ok Reg 2262, eff 7-25-11; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-7-11. Dispute resolution

Any dispute(s) regarding any Special Universal Service shall be resolved pursuant to OAC 165:59-3-36.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98]

165:59-7-12. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-7-13. Reselling Special Universal Services Prohibited

Special Universal Services purchased from a provider of Special Universal Services are for the exclusive use of the eligible healthcare entity, public school, public library, or county government which has submitted a written request for Special Universal Services. Under no circumstances shall the eligible healthcare entity, public school,

public library, or county government sell, repackage or share Special Universal Services with any other entity.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Amended at 22 Ok Reg 1822, eff 7-1-05; Amended at 28 Ok Reg 2262, eff 7-25-11]

165:59-7-14. [RESERVED]

[Source: Reserved at 15 Ok Reg 1199, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1919, eff 7-1-98]

165:59-7-15. Provision of Special Universal Services

(a) Upon receipt of a written request by an eligible healthcare entity, public school, public library or board of county commissioners, the provider of Special Universal Services receiving the request shall make a good faith effort to provide the requested Special Universal Service not later than ten (10) business days after receiving the request.

(b) If the requested Special Universal Service cannot be provided within the time limit established by subsection (a) of this Section, the provider of Special Universal Services shall immediately notify the entity requesting the service of the estimated delay and any interim service that might be available. Service requests shall be filled as quickly as practicable, but no longer than thirty (30) days after the request for service has been received by the provider unless unavoidable delays beyond the provider's control are experienced. If the service will be delayed longer than thirty (30) days, the provider shall promptly notify the Commission of the reason for the delay upon becoming aware of the delay, and the anticipated completion date of the request for service.

[Source: Added at 15 Ok Reg 1199, eff 1-6-98 (emergency); Added at 15 Ok Reg 1919, eff 7-1-98; Amended at 28 Ok Reg 2262, eff 7-25-11]

165:59-7-16. [RESERVED]

[Source: Reserved at 15 Ok Reg 1199, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1919, eff 7-1-98]

165:59-7-17. Disclosure on bill regarding provided Special Universal Services

(a) Each provider of Special Universal Services, which may be either a telecommunications carrier or OneNet, shall render a bill to the eligible healthcare entity, public school, public library, or county seat government regarding said Special Universal Services. The bill shall reflect the provider's tariffed rate or charge for the

provided toll-free telephone number, access lines, usage and any other costs incurred by the provider in conjunction with the provision of the Special Universal Services.

(b) Prior to signing a contract with a school, library or recipient of a telemedicine line, the provider shall provide to said school, library or recipient of a telemedicine line, written information regarding the limitations on funding from the OUSF. The content of the written information to be provided shall be posted on the Commission's website.

[Source: Added at 15 Ok Reg 1199, eff 1-6-98 (emergency); Added at 15 Ok Reg 1919, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 28 Ok Reg 2262, eff 7-25-11; Amended at 30 Ok Reg 1590, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

SUBCHAPTER 9. OKLAHOMA LIFELINE FUND

PART 1. LIFELINE SERVICE PROGRAM

Section

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SUBCHAPTER 9. OKLAHOMA LIFELINE FUND**PART 1. LIFELINE SERVICE PROGRAM****165:59-9-1. Purpose of Oklahoma Lifeline Fund**

(a) This Subchapter establishes guidelines for the administration of the Oklahoma Lifeline Fund ("OLF"), that are consistent with 17 O.S. §§ 139.105 and 139.107.

(b) The Oklahoma Lifeline Fund is designed to advance the goals of universal service and ensure that low-income residential customers within the State of Oklahoma, who meet the criteria of 17 O.S. § 139.105, and 47 CFR §§ 54.400 through 54.415, are provided financial assistance in maintaining basic local exchange telecommunications service.

(c) The Oklahoma Lifeline Fund is a state fund administered by the Oklahoma Corporation Commission, for the purpose of funding the Lifeline Service Program, as set forth in Section 165:59-9-3.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 19 Ok Reg 2017, eff 7-1-02; Amended at 30 Ok Reg 1591, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-9-2. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-3. Oklahoma Lifeline Service Program

(a) The Oklahoma Lifeline Service Program is a program designed to operate in conjunction with the Federal Lifeline program, to provide a monthly credit to the monthly bill of qualifying residential subscribers for basic local exchange service, in an amount equal to such amount as may be established by the Commission, after notice and hearing or by 17 O.S. §139.105.

(b) In order to qualify for the Lifeline Service Program, a customer must meet the requirements of 47 CFR §§ 54.400 through 54.415 and show that they:

(1) Participate in or receive assistance or benefits, as certified by the Department of Human Services, under a program providing:

(A) Temporary Assistance to Needy Families,

(B) Supplemental Nutrition Assistance Program (SNAP) f/k/a Food Stamps, or Food Distribution Program on Indian Reservations, (FDPIR),

(C) Medical Assistance and/or Medicaid, or

(D) Supplemental Security Income;

(2) Participate in Federal Public Housing Assistance

(3) Participate in Low Income Home Energy Assistance Programs

- (4) Participate in or receive assistance or benefits, as certified by the State Department of Rehabilitation Services, under a program providing vocational rehabilitation, including aid to the hearing impaired; or,
- (5) Participate in or receive assistance or benefits, as certified by the Oklahoma Tax Commission, pursuant to the Sales Tax Relief Act, 68 O.S. § 5011 et seq.
- (6) Beginning October 1, 2000, eligibility has been expanded to permit low-income individuals living on Tribal lands to establish their income eligibility by certifying participation in one of the following Federal Assistance Programs:
- (A) Bureau of Indian Affairs General Assistance,
 - (B) Tribally Administered Temporary Assistance for Needy Families (TANF),
 - (C) Head Start Programs (under income qualifying eligibility provision only),
 - (D) National School Lunch Program (free lunch program only)
- (c) Each eligible telecommunications carrier shall file tariffs implementing a Lifeline Service Program that is consistent with this Subchapter.
- (d) Lifeline Assistance shall not be available on a retroactive basis to the customers.
- (e) Upon notification to the eligible telecommunications carrier, the credit will be discontinued for customers who no longer qualify for Lifeline Assistance.
- (f) Lifeline Service benefits are applicable only to the primary line at the customer's principal residence. An applicant for Lifeline Service may report only one address in the state as the principal place of residence.
- (g) As a participant in Lifeline Assistance, customers will be eligible to receive Toll Restriction Service at no charge.
- (h) Each telecommunications service provider with approved Lifeline Service tariffs shall advertise the availability of the Lifeline Service Program within its exchange(s) or service territory on, at a minimum, an annual basis.
- (i) The wireless ETC must provide access to its own customer service department by dialing 611 from the wireless handset or have a toll free number for contacting the ETC programmed in the phone and clearly identified.
- (j) All enrollment in any Lifeline Services from any outdoor mobile location shall be governed by OAC 165:55-23-16.
- (k) Any wireless handset provided in conjunction with the Lifeline Service must clearly and permanently identify the provider of the service.
- (l) An ETC may not provide Lifeline Service purely by resale without a Commission order.
- (m) An approved Lifeline tariff may not be modified without submitting the modification to the Director of the Public Utility Division at least fifteen (15) days prior to the effective date of the proposed change for the purpose of receiving a determination whether the modification is in the public interest. Unless the ETC receives written notification that its modification is NOT IN THE PUBLIC INTEREST within fifteen (15) days after its submission, the submission is deemed to be in the public interest and may be implemented.
- (n) The ETC shall utilize a third party verification system that has been approved by the Director of PUD to verify the customer's identity and address, or obtain a waiver from the Director of the Public Utility Division from this requirement.
- (o) The ETC must retain a copy of the signed application for Lifeline Service, and any recertification information for five (5) years.

- (p) The ETC shall maintain a database sufficient to identify any duplicates among all companies associated with the ETC.
- (q) Unless otherwise approved by Commission Order, any Lifeline plan on Tribal Land must include a minimum of 1000 minutes of local voice use or unlimited domestic calling, to be considered in the public interest. Any Lifeline plan on non-Tribal Land must include a minimum of 500 minutes of local voice use to be considered in the public interest.
- (r) All marketing efforts must clearly identify the ETC actually providing the Lifeline Service.
- (s) In addition to other remedies available to the Commission, violations of the marketing rules may result in a minimum of a thirty (30) days suspension of an ETC's ability to sign up new customers and/or a fine as authorized by 17 O.S. §139.105 after notice and hearing.
- (t) The eligible telecommunications carrier seeking reimbursement from the Oklahoma OUSF for the provisioning of Lifeline services shall also note on the certified written statement obtained from the customer the name of the employee or representative who verified the customer's eligibility for Lifeline service and the type of documentation reviewed.
- (u) Prior to obtaining money from the OUSF, an ETC must show compliance with 17 O.S. § 139.105(E).

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 19 Ok Reg 2017, eff 7-1-02; Amended at 28 Ok Reg 2262, eff 7-25-11; Amended at 30 Ok Reg 1591, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-9-4. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-5. Recertification of Lifeline eligibility

Each ETC, eligible to receive Lifeline support from the Oklahoma Lifeline Fund and/or the federal Lifeline Fund shall, annually, require each end-user subscriber to recertify confirming their continued eligibility for the State or Federal Lifeline program. The ETC shall retain a copy of the signed recertification form for three (3) years.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-9-6. Retention of Lifeline eligibility records

All records, including the signup form showing proof of eligibility and a report from the third party verification system that shows the identity and address of the Lifeline

customer was verified (unless the ETC obtained a waiver from the requirement to utilize a third party verification system) shall be retained by the ETC for a minimum of three (3) years.

[Source: Added at 32 Ok Reg 23, eff 8-27-15]

PART 3. ADMINISTRATION OF THE OKLAHOMA LIFELINE FUND

165:59-9-11. Administration of the Fund

(a) The Commission will appoint the OLF Administrator, which shall be the Public Utility Division of the Commission.

(b) The Public Utility Division, as the appointed Administrator, may contract with a third-party who has no conflict of interest in the provisioning of telecommunications services for the provisioning of administrative functions related to the OLF.

(c) The Administrator is expressly authorized to bring actions before the Commission to enforce the provisions of this Subchapter and the Oklahoma Telecommunications Act of 1997.

(d) The OLF Administrator or contracted agent shall act under the supervision of the Commission, in order to administer the OLF in accordance with this Subchapter and the Oklahoma Telecommunications Act of 1997.

(e) The Administrator's or contacted agent's general duties shall include but not be limited to:

- (1) Receiving, distributing, and accounting for funds paid into the OLF;
- (2) Providing funding to eligible telecommunications providers from the OLF;
- (3) Managing the daily operations and affairs of the OLF;
- (4) Monitoring and assuring contribution/payment compliance, as well as conducting periodic audits of contributors to the OLF to ensure that the contributors are accurately reporting and making proper payments to the OLF;
- (5) Performing any periodic audits of the OLF deemed necessary by the Administrator and/or the Commission, provided however, that the Staff of the Public Utility Division shall not conduct an annual audit for any year during which it also acted as the OLF Administrator;
- (6) Informally resolving disputes;
- (7) Reviewing all requests for funding from the OLF within the time frames identified in this Chapter and making a recommendation to the Commission for approval, modification or denial of such requests; and,
- (8) Performing any other duties as required by law, this Chapter, and/or as ordered by the Commission.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-12. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-13. Audits

The Administrator of the OLF shall conduct periodic reviews and/or audits of any telecommunications carrier's Lifeline Service Program. This review/audit shall include, but not be limited to:

- (1) A review of the documentation on file with the telecommunications carrier regarding eligibility of the end-user to participate in the Lifeline Service Program; whether received during the initial enrollment or during the annual recertification process and,
- (2) The amounts received by the telecommunications carrier for reimbursement from the OLF.

[Source: Added at 15 Ok Reg 1195, 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-9-14. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-15. Violations

If a contributor to the OLF fails or refuses to make a contribution to the OLF as required by this Chapter, such violation will be resolved consistent with the provisions of OAC 165:59-3-38.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-16. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-17. Reporting requirements

Each contributor to the OLF shall, within thirty (30) days from the date of a request made for information or a report by the Administrator or contracted agent, submit to the Administrator or contracted agent a completed report form based on a 12-month period

identified by the Administrator or contracted agent, containing such information as designated by the Administrator.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

PART 5. CONTRIBUTIONS AND REIMBURSEMENTS

169:59-9-21. Contributions to the Oklahoma Lifeline Fund

The OLF shall be funded in a competitively neutral manner by a charge paid by all telecommunications carriers, at a level sufficient to maintain the OLF and administrative cost of the fund.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-22. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-23. Amount of contribution

(a) The Administrator or contracted agent shall, based on the adjusted amount to be contributed to the OLF, calculate the contribution required to be made to the OLF by each contributor, based on the fund level established by the Commission and the information provided pursuant to OAC 165:59-9-17.

(b) The funding from each carrier shall be based on the total retail-billed intrastate telecommunications revenues, from both regulated and unregulated services, of the telecommunications carrier as a percentage of all telecommunications carriers' total retail-billed intrastate telecommunications revenues, from both regulated and unregulated services for the 12-month period identified by the Administrator or contracted agent.

(c) Each telecommunications carrier shall pay its contribution directly to the Administrator or contracted agent on a monthly, quarterly, or annual basis, at the carrier's option, at the beginning of the payment period(s) selected. The payment shall be payable to the OUSF. The invoice or other written request for OLF contributions shall be past due thirty (30) calendar days after the date on the invoice or other request for OLF contribution, unless otherwise ordered by the Commission.

(d) Interest shall be charged on any payment not received by the past due date at the rate of 1.5 percent monthly.

(e) All contributions and interest payments made to the OLF shall be deposited into the OUSF account by the Administrator or contracted agent.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-9-24. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-25. Procedures for requesting reimbursement from the OLF

(a) Any telecommunications carrier with approved Lifeline Service tariffs may apply to the Administrator or contracted agent of the OLF for reimbursement of the Lifeline Service Program credits provided for residential basic local service.

(b) Upon receipt of a "Request for OLF Funding", the Administrator or contracted agent of the OLF shall review the Request and supporting documentation and, as appropriate, pay the applicable amount to the provider.

(c) A telecommunications carrier seeking reimbursement of eligible Lifeline Service Program credits from the OLF shall:

(1) File a "Request for OLF Funding" with the Commission Court Clerk's Office.

(2) Concurrent with filing the Request for OLF Funding, the telecommunications carrier who is requesting funding from the OLF shall provide notice of the Request for Reimbursement to the Director of the Public Utility Division, the Attorney General and to each telecommunications carrier in the State of Oklahoma which is a contributor to the OLF.

(3) Provide a copy of the Request for OLF Funding to the Attorney General and other telecommunications carriers, upon request.

(d) An eligible local exchange telecommunications carrier may not receive reimbursements from the OLF unless it demonstrates that its rates have been reduced by an amount equal to the amount of the Lifeline payments that were previously included in the rate structure of the telecommunications carrier. A telecommunications carrier shall be eligible for support from the OLF for any amount which is greater than the amount which has been previously included in the rate structure of the telecommunications carrier.

(e) Within ninety (90) days after receipt of the Request for OLF Funding, the Administrator or contracted agent shall review such request, determine the accuracy of the request, and advise the provider requesting the OLF funds of the determination of eligibility. Simultaneously with the Administrator or contracted agent advising the provider, the Administrator or contracted agent shall provide the written determination to the Commission and post it to the Commission's website.

(f) Any adversely affected party shall have fifteen (15) days to file a request for reconsideration by the Commission of the determination made by the Administrator or contracted agent. Upon filing a request for reconsideration, the matter will be set for a hearing.

(g) The Commission will, within 30 days from the request for reconsideration, issue an order on the request for OLF funding, after reviewing the Administrator's or contracted agent's determination regarding the Request for Reimbursement and any request for reconsideration. The Commission shall give notice to the provider requesting the OLF funds, the Attorney General, the Administrator or contracted agent, and all parties requesting reconsideration of the time and place for hearing.

(h) If no request for reconsideration of the Administrator's or contracted agent's determination is filed, an order will be issued by the Commission approving the request without further notice and/or hearing.

(i) If the Commission does not issue an order within the time frames set forth in this Section, the request shall be deemed approved, on an interim basis, subject to refund, with interest at a rate determined by the Commission, but not more than the interest rate established by the Commission on customer deposits. Interest on any refund shall accrue for a period not to exceed ninety (90) days from the date the funds were received by the requesting eligible provider.

(j) The Administrator or contracted agent shall ensure that all OLF funds have been received and are on deposit in a sufficient manner so as to pay requests for OLF funding as ordered by the Commission or as may be deemed approved in accordance with State law. The Administrator or contracted agent shall provide the approved funding to the requesting eligible telecommunications carrier within ten (10) days after issuance of a Commission order approving payment or the request is deemed approved, whichever occurs sooner.

(k) Any request for funds from the OLF will be returned to the requesting party and deemed denied if the appropriate forms are not used or said forms are not completed in a satisfactory manner.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 28 Ok Reg 2263, eff 7-25-11]

165:59-9-26. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1914, eff 7-1-98]

165:59-9-27. Recovery of contribution

Each contributor to the OLF may recover its contributions consistent with 17 O.S. §139.105. The OLF recovery received by each provider shall be subject to an annual true-up. Any over- or under-recovery of the Lifeline Service Program contributions for the preceding year shall be carried forward for inclusion in the calculation for recovery in the ensuing year.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15]

165:59-9-28. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency; Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-29. Resolution of disputes regarding contributions

(a) Any telecommunications carrier which contributes to the OLF may dispute the amount of contribution it is required to pay into the OLF, in the following manner:

(1) The telecommunications carrier shall make a written request to the Administrator or contracted agent of the OLF setting forth its dispute and the Administrator or contracted agent shall have the initial responsibility for trying to resolve the dispute.

(2) If satisfactory resolution is not achieved, the telecommunications carrier may file an application in the Commission's Court Clerk's Office requesting that the Commission resolve the dispute.

(b) Pending final resolution of a dispute, the disputing telecommunications carrier shall pay the disputed and undisputed amounts to the OLF.

(c) If a disputing contributor prevails in its protest of the required contribution, the contributor will be entitled to a refund, with interest, at the then effective rate, as provided by OAC 165:55-9-14, of any excess amount paid.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98]