

**FILED**  
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**BEFORE THE CORPORATION COMMISSION OF OKLAHOMA**

COURT CLERK'S OFFICE - OKC  
CORPORATION COMMISSION  
OF OKLAHOMA

IN THE MATTER OF A PERMANENT )  
RULEMAKING OF THE OKLAHOMA )  
CORPORATION COMMISSION AMENDING )  
OAC 165:55, TELECOMMUNICATIONS )  
SERVICES )

CAUSE NO. RM 201700002

**RULE IMPACT STATEMENT**

**TITLE 165. CORPORATION COMMISSION  
CHAPTER 55. TELECOMMUNICATIONS SERVICES RULES**

Pursuant to 75 O.S. § 303(D) of the Oklahoma Administrative Procedures Act, the Public Utility Division ("PUD") of the Oklahoma Corporation Commission ("OCC") submits the following Rule Impact Statement for its proposed rules regarding Title 165, Chapter 55 of the Oklahoma Administrative Code ("OAC").

**I. Brief description of the purpose of the proposed rules:**

The purpose of the proposed rules is to add a definition for "Consumer Service Department", add language to the respective definitions of a "Data-only provider" and "Eligible Telecommunications Carrier ("ETC")", add language to make clear that the Commission has authority to grant certificates of convenience and necessity ("CCN") to data-only providers seeking a CCN for the limited purpose of receiving Oklahoma Universal Service Fund ("OUSF") support for the provision of Special Universal Services, create a separate identification of data-only providers, limit the CCN application requirements as they relate to data-only providers, adds data-only provider to telecommunications service provider ("TSP") and interexchange telecommunications carrier ("IXC") as entities that can seek relief from Chapter 55 rules. Incorporates the new Lifeline Broadband Provider ETC designation, created by the Federal Communications Commission ("FCC"), into the definition of ETC. References to revoked subsections are deleted. To be consistent with 17 O.S. § 139.102, "Contributing providers" replaces "entity" for purposes of describing those parties that are to contribute to the OUSF and provides for notice requirements for contact information. To be consistent with 17 O.S. § 139.109.1(B)(4) and the definition of "Eligible provider" at 17 O.S. § 139.102 (11), the rules are amended to make clear that OneNet is excluded from the CCN requirement for purposes of

requesting funding from the OUSF for the provision of Special Universal Services and deletes the language that previously required the CCN to be consistent with where service is actually being provided. The provision of Special Universal Services is added to telecommunications service as one of the potential activities an entity could be engaged in for which the CCN application is being made in order to ensure that a CCN application will clearly and specifically articulate this activity. Language is added requiring data-only applicants to clearly indicate whether or not the CCN is requested exclusively for the purpose of seeking reimbursement from the OUSF for the provision of Special Universal Services in accordance with 17 O.S. § 139.109.1(B)(4) and, in such case, excludes notice requirements to PSAPS. Also, in those circumstances when the CCN application is limited to a data-only provider seeking authority for purposes of OUSF support, language has been added that removes the requirement to notify the ILEC “in the proposed service territory,” as 17 O.S. § 139.109.1(B)(4) does not require these data-only providers to define a “proposed service territory.” A new subsection removes the requirement for data-only providers, which are exclusively providing Special Universal Services, to file an initial tariff and replaces it with a requirement to provide an informational tariff when they seek a CCN for the limited purpose of providing Special Universal Services in accordance with 17 O.S. § 139.109.1(B)(4). Corrects typographical errors. References to the National Electrical Code and National Electric Safety Code are updated to reflect more current versions of those documents. The current requirement to provide a financial statement as part of the affidavit in conjunction with providing a notification of transaction is removed. Language is added to include ETC designation by the FCC with those ETCs holding Oklahoma Corporation Commission (“OCC”) granted ETC designations as being required to comply with the requirements of Subsection OAC 165:55-23 and, if eligible for Oklahoma Lifeline Fund support, OAC 165:59 *et al.* States minimum service standards for Lifeline service provided by ETCs are deleted and replaced by references to the applicable federal service standards. Additionally, language that references obsolete state and federal Lifeline eligibility programs is deleted and replaced by references to appropriate federal eligibility programs. Further, language is added to limit the applicability of state specific eligibility programs to qualification for the Oklahoma Lifeline Fund only. Language is also added to amend the number of days of non-usage allowed prior to being required to de-enroll a Lifeline customer for non-usage; to be consistent with the change in federal law.

**II. Description of classes of persons most likely to be affected by the proposed rules, including classes that will bear the cost of the proposed rules, and any information on cost impacts received by the agency from private or public entities:**

Those most likely to be affected by the proposed rules are: Data-only providers seeking a CCN to receive reimbursement from the Oklahoma Universal Service Fund for the provision of Special Universal Services, Telecommunications carriers, and ETCs. No costs, beyond those associated with the changes in the Federal regulations, are expected to be associated with the implementation of the proposed rules, and no information regarding any cost impact has been received from any private or public entity.

**III. Classes of persons who will benefit from the proposed rules:**

Those benefiting from the proposed rules are: Data-only providers seeking a CCN to receive reimbursement from the Oklahoma Universal Service Fund for the provision of Special Universal Services, Telecommunications carriers, and ETCs, the OCC, and OCC Staff.

**IV. Description of the probable economic impact of the proposed rules upon affected classes of persons or political subdivisions, including a listing of all fee changes and justification for each fee change:**

There will be no direct economic impact upon the affected parties. The proposed rules merely clarify and strengthen the existing rules. The proposed rules contain no fee changes.

**V. Probable cost and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rules, the source of revenue to be used for implementation and enforcement of the proposed rules, and any anticipated effect on state revenues:**

The proposed rules are not expected to place any additional cost upon the Commission as such rules will be implemented and enforced by the Commission through its existing resources and personnel. There is no anticipated effect on state revenue.

**VI. Determination of whether implementation of the proposed rules will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rules:**

Implementation and enforcement of the proposed rules will not have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rules.

**VII. Determination of whether implementation of the proposed rules may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:**

It is the OCC Public Utility Division staff's opinion that the proposed rules will not have an adverse economic effect on small business.

**VIII. Explanation of the measures the agency has taken to minimize compliance cost and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rules:**

The proposed rules do not increase compliance costs, and there are no non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rules.

**IX. Determination of the effect of the proposed rules on the public health, safety and environment and, if the proposed rules are designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rules will reduce the risk:**

It is anticipated that the proposed rules will not have an adverse effect on the public health, safety and environment.

**X. Determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:**

It is anticipated that there will be no detrimental effect on the public health, safety and environment if the proposed rules are not implemented.

**XI. Date of preparation of Rule Impact Statement:**

This Rule Impact Statement was prepared on the 9th day of February, 2017.

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