



0000036817

RECEIVED

2001 NOV -2 P 1: 36

AZ CORP COMMISSION
DOCUMENT CONTROL

November 2, 2001

Ms. Sonn Ahlbrecht
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2996

RE: RT-00000H-97-0137 – Service List Inclusion

Dear Ms. Ahlbrecht:

On behalf of the Arizona Local Exchange Carriers Association (ALECA), please include our organization in the service list for this docket. Information regarding this docket can be directed to me, ALECA's current President, at 2495 North Main Street, Box 220, Choctaw, OK 73020. Or if available, please feel free to email any docket information to me at the following email address – john.zeiler@tdstelecom.com.

Should you have any questions, please contact me at 405-390-6453.

Sincerely,

John Zeiler
President – "ALECA"

Arizona Corporation Commission

DOCKETED

NOV 02 2001

DOCKETED BY	<i>nee</i>
-------------	------------

November 2, 2001

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007-2996

RE: Comments of Members of the Arizona Local Exchange Carriers Association

As president of the Arizona Local Exchange Carriers Association ("ALECA") and on behalf of the concurring members identified for both Tribal and non-Tribal, I submit comments in the above-captioned cause in response to the questions of Staff, in their Exhibit A of this Docket. Those members of ALECA, submitting and supporting such comments are as follows: Accipiter Communications, Inc., CenturyTel, Citizens Communications, Copper Valley Telephone, Gila River Telecommunications, Inc., Midvale Telephone Exchange, Inc., TDS Telecom (Arizona and Southwestern Telephone Companies), Tohono O'Odham Utility Authority and Valley Telephone Cooperative, Inc.

Please see the attached document for our complete comments. We look forward to working with the Commission and Commission Staff to bring about reasonable changes to the AUSF rules that will provide a predictable mechanism which all carriers might rely upon to provision universal services throughout Arizona.

Should you have any questions please feel free to contact me at 405-390-6453.

Respectfully,



John Zeiler
President-Arizona Local Exchange Carriers Association

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 1

Question 1

Q: Are there areas within the existing rules where revisions should be made? If yes, please provide specific language recommendations and explain the benefit of the recommended revision.

A: Yes. The Arizona Universal Service Fund ("AUSF") should be used to support the cost of providing essential telecommunications service to all subscribers or those not currently provided telecommunications service in Arizona wherever the cost to serve exceeds the national average cost of the provision of such services. Several mechanisms may be useful to determine the need for AUSF, but any mechanism should not be overly burdensome to either the telecommunications carrier or the customers benefiting from such support. **The Arizona Local Exchange Carriers Association ("ALECA") does not believe that a rate case filing should be required to receive AUSF funding.** ALECA believes the Commission should recognize that existing federal universal service support mechanisms are in place, but subject to constant pressure that has, in the past caused and will in the future cause, changes in the level of support local exchange carriers receive.

ALECA recommends the following as an outline of AUSF rules to insure universal service in Arizona in a cost effective, administratively simple manner:

1. An Eligible Telecommunications Carrier ("ETC") qualifies to receive AUSF support whenever its unseparated loop cost per working loop exceeds 115% of the national average cost per loop, as prescribed by 47 CFR Part 36 and calculated by the Universal Service Administrative Company.
2. The amount of AUSF support that a qualifying ETC shall receive in any given year shall be the difference between its unseparated loop cost per working loop and 115% of national average cost per loop multiplied by the number of working loops, less the per loop amount received from the appropriate federal universal service support mechanisms.
3. ETCs demonstrating need for supplemental revenues in advance of scheduled federal USF revenues may request emergency treatment for 18-24 months between imposition of actual costs and commencement of increased federal support.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 2

Question 2

Q: How might the AUSF rules be amended to ensure the availability of wireline telephone service in unserved areas (open territory)? Please provide specific recommendations on issues such as required population density before service to an area must be provided, the method for determining the service carrier, procedural process, etc.

A: In cases of uncertificated territory, the Arizona Corporation Commission ("ACC") should streamline the Certificate of Convenience and Necessity ("CCN") process to reduce the regulatory cost of initiating service. In the case of an existing telecommunications company already qualified and certified as an ETC interested in expanding its service coverage area to include unserved territory, the state regulatory process should be *pro forma*, as ALECA believes it should be evident that the existing carrier meets all ACC CCN requirements. Since federal USF is based upon existing geographical boundaries (study areas), the ACC should be prepared to: 1) vigorously support all FCC waivers needed to initiate service in uncertificated areas, and 2) be prepared to provide AUSF financial support pending the distribution of Federal USF based upon the increased costs. The second requirement, providing interim AUSF pending receipt of federal USF, is important because there is a 12 to 24 month lag between the imposition of costs and USF cost recovery. **ALECA cannot emphasize too strongly the need for stability as an incentive for investment.**

In cases of uncertificated territory where a new telecommunications company desires to provide service, the ACC should utilize the CCN process to reduce the regulatory cost of initiating service but should exhibit a strong preference to those entities that would qualify for federal support. In addition, ETC status must be a pre-requisite to the receipt of AUSF as also stated in the response to Question 4.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 3

Question 3

Q: How might the AUSF rules be amended to increase the availability or affordability of wireline telephone service in under-served areas? Under-served areas are defined as areas within a wireline carrier's service territory where construction or line extension charges apply.

A: ALECA is dedicated to providing universal telephone service in high cost and rural areas of Arizona. **ALECA does not believe the ACC should force carriers into providing service, rather it should create an environment where sufficient cost recovery is available to offset the financial risk inherent in providing service to ANY remote or rural area.** The federal USF provides financial support to ALECA's members but, as stated in response to question 1, uncertainty over the future of USF support flows is a disincentive to committing significant additional financial resources needed to serve the remaining under-served areas of Arizona. (For a description of ALECA's concerns regarding the uncertainty of federal USF, please see our response to Question 8.) Furthermore, recent Commission action granting ETC status to competing carrier(s) has increased the risk for incumbent providers when evaluating the cost to serve the remaining under-served areas of Arizona.

ALECA believes a plan that reduces uncertainty while leveraging existing programs and procedures will be cost effective and easy to administer. Standards already exist to identify high cost areas and to provide support for those areas. ALECA recommends that the AUSF should provide AUSF support in those cases where the federal USF is reduced or eliminated. In addition to AUSF support, the Commission should allow accelerated depreciation or amortization schedules sufficient to reflect the added risk of competition, thus minimizing the incumbent provider's exposure to stranded investment.

AUSF would be based on actual costs incurred in support of universal service. **Procedures are in place and readily available data exists that could provide complete cost documentation for the Commission to perform its fiduciary responsibilities to the citizens of Arizona.** In most cases, current Federal USF will provide a sizeable portion of the financial support necessary to extend service in existing certificated territory. What prevents even more aggressive efforts to serve the under-served is the regulatory uncertainty of federal USF and competition from eligible providers for portable support. If the AUSF stands ready to step in if or when federal USF is reduced, carriers will not require additional financial incentive to extend service. ALECA proposes that Arizona's carriers could request AUSF upon a simple showing that universal service costs, as currently defined in Federal Communication Commission ("FCC") rules, are not being recovered through federal mechanisms and the shortfall would be supplemented by the AUSF.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the
Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 4

Should the Commission find ALECA's proposal regarding extending service to underserved areas insufficient in its specificity, it can find details of a supplemental plan in the newly passed Utah Public Service Commission rules regarding one-time universal service fund distributions, R746-360.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 5

Question 4

Q: Under what circumstances, if any, could AUSF be made available to carriers that do not have Eligible Telecommunications Carrier status?

A: Only those carriers providing the Basic Telecommunications Service elements, as defined within both the FCC's Docket No. 96-45, and within the Arizona Corporation Commission rules (R14-2-1201.6), that also have Eligible Telecommunications Carrier status should have AUSF funding made available to them. If, in the unlikely event, existing Arizona ETCs are unwilling or unable to provide service to an uncertificated territory, the ACC may determine it is in the public interest to designate an entity not currently designated as an ETC as eligible for AUSF, but only as an ETC in the uncertificated area.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 6

Question 5

Q: Should the definition of local exchange service for AUSF purposes, be broadened to include other services? If yes, how might it be accomplished?

A: The FCC has recently opened its required triennial inquiry into the definition of supported telecommunications services. However, at this time there is no apparent need to expand the definition of local exchange service as no new or advanced service has become so commonplace as to assume that it is now a necessary and basic service of the average subscriber. Certainly though, such advances in telecommunications should be monitored, either formally or informally, and the definition of basic local services updated as circumstances dictate and as FCC definitions change.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 7

Question 6

Q: Are there rules in other states that should be adopted in Arizona? If yes, please provide the specific language for each rule and explain the benefit that would be derived by adopting the rule in Arizona.

A: Oklahoma USF rules may provide a blueprint for Arizona to consider. Oklahoma rules provide the necessary supplemental support in case of federal support reductions. Oklahoma rules rely upon existing data to support a filing for state funding. ALECA proposes that Arizona's carriers could request AUSF upon a simple showing that universal service costs, as currently defined in FCC rules, are not being recovered through federal mechanisms and the shortfall would be supplemented by the AUSF. The specific Oklahoma rules and a summary of the relevant points are attached.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 8

Question 7

Q: How might construction or line extension tariffs be standardized between companies? Should there be an AUSF contribution in addition to the company contribution? Should there be a maximum amount a customer should be expected to pay to obtain service? Should this amount consider the median household income of the area being served? Assuming there is an AUSF contribution, what is a reasonable limit?

A: ALECA does not recommend any arbitrary metrics, such as median income thresholds to determine which customers deserve service or whether or not some customers can afford the line extension rates in current tariffs. If the AUSF provides the certainty necessary for prudent financial decisions, ALECA believes its members will be willing to extend service without the need for standardized line extension tariffs. To the extent Arizona's telecommunications carriers can rely upon federal rules to support the extension of service, the costs will not be passed to the AUSF. ALECA believes it is important to note that only when or if federal USF mechanisms fail will the difference between total costs to provide supported services and the federal USF support revenues become the responsibility of the AUSF to provide the needed additional revenues.

The primary benefit of the AUSF could be defined as a program that provides stability to Arizona telecommunications providers as it stands ready to bridge the gap between current federal support and the actual cost to provide such universal service. If federal USF remains stable, there may be no cost at all to the AUSF.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 9

Question 8

Q: Are there changes in the Federal USF rules of which Staff should be aware? If yes, please identify them. How do these changes impact current AUSF rules? How might they impact recommended revisions to the existing rules?

A: Many issues are being addressed, or are anticipated, by the FCC that will have a continuing impact on the financial needs of the Eligible Telecommunications Carriers in the State of Arizona. The FCC is looking at the definition of basic local telecommunications services and changes may occur there. The FCC is planning to increase the costs identified as "universal service" costs in its "Access Reform for Rate of Return Carriers" order.

Two additional USF issues stand out that are likely to require the attention of the ACC. First, the federal USF imposes "caps" to control the growth of the federal USF cost. ALECA foresees the caps operating routinely in future years. To the extent an Arizona ETC experiences reduced federal USF as a result of the caps' operation in future years, it is likely that the limitations in revenue streams resulting from the caps will require additional AUSF funding.

Second, ALECA remains concerned over the portability of USF. More and more of the interstate revenues upon which ALECA members rely are classified as USF. As stated elsewhere in response to these questions, the primary impediment to additional investment in Arizona's telecommunications infrastructure is financial uncertainty. Portable USF is certainly an issue that breeds such uncertainty. The ACC is charged with the primary responsibility of determining which new carriers are providing the services required to qualify for USF in Arizona, and in the case of new entrants that wish to compete with the ALECA members, whether such entry is in the public interest. The public interest must be demonstrated by a showing of facts made by the new entrant. ALECA respectfully urges the ACC to carefully examine each and every request for ETC status with the understanding that unless the new entrant is prepared to demonstrate support for the public interest in Arizona, it will have failed the requirements of the Telecommunications Act of 1996.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 10

Question 9

Q: Are there changes in other Federal Rules that might impact current or future AUSF rules? If yes, please identify them and their potential impact.

A: The FCC has issued an access reform order that will impact ALECA members. As discussed in response to Question 8 above, this order will reclassify certain costs from access into a new USF mechanism called, Interstate Common Line Support ("ICLS"). In addition, the order requires ALECA members to increase the monthly Subscriber Line Charges ("SLC") on January 1, 2002. Carrier common line access rates will be eliminated by July 2003, and all common line costs will be moved to the ICLS. While details of the access reform order are not yet available, it is ALECA's understanding that the access reform order is revenue neutral for ALECA's members. ALECA believes traditional ratemaking concepts that keep rural local rates affordable - concepts such as recognition of limited calling scopes, higher toll rates in rural areas, and an examination of the total telecommunications bills of Arizona consumers - must lead to the conclusion that generating additional revenues to support universal service must be broad based involving all Arizona telecommunications companies and the consumers they serve in support of universal service in Arizona.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 11

Question 10

For all other comments, please provide a narrative fully explaining the issue being discussed, any recommendation and the benefit to be gained if the recommendation is adopted.

ISSUE A

AUSF Restructuring and Access Charge Reform.

Statement of Issue

ALECA believes revisions to the Commission's AUSF rules may be required in the future to address intrastate access charges. Current access rates are based on fully distributed actual costs, notwithstanding some claims that current access rates are "above cost". ALECA urges the ACC to remember that there is no federal law or rule that requires access charges to be priced at either "incremental" or "forward-looking" cost. Rate of return LECs, including ALECA members, continue to develop and charge access rates based on fully distributed costs. ALECA would further remind the ACC that all FCC decisions to reduce interstate access rates have been accompanied by offsetting increases to the Federal USF. Even if the ACC were to determine, as a matter of public policy, that ALECA members' access rates should be reduced, ALECA believes such reductions to access rates more closely in line with fully distributed costs should be undertaken with extreme caution. The provision of universal service in the high-cost, rural areas served by ALECA's members depends upon the full recovery of access costs, as they are currently defined.

Some parties believe contributions from access are no longer sustainable in the presence of competition and changing federal regulatory policies. The access reform order discussed in response to Question 9 above will widen the disparity between intrastate and interstate access charges, creating even more powerful incentives for interexchange carriers to misreport the jurisdictional nature of long-distance traffic. In short, competition and conflicting regulatory policies endanger universal service in Arizona if access rates are reduced without an offsetting financial contribution from the AUSF.

Recommendation

ALECA recommends that if the Commission determines that reductions to intrastate access charges are in the public interest, the reductions in revenue streams must be offset by increases in AUSF support on a revenue neutral basis.

Benefits of Recommendation

The potential benefits of ALECA's recommendation would be 1) the preservation of universal service in rural Arizona, 2) a policy that encourages more toll competition in high cost areas, and 3) the conversion of the obligation to support universal service through access charges away from toll providers to all Arizona citizens through the operation of the AUSF coincident with such reductions to access rates.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 12

ISSUE B

AUSF Funding Mechanisms

Statement of Issue

Mechanisms for funding the AUSF should be efficient, equitable, and adequate. The AUSF surcharge should not distort the production decisions of telecommunications providers in ways that unnecessarily raise their costs of doing business. In addition, the burden of paying the AUSF surcharge should fall equally on all telecommunications customers regardless of the particular mix of telecommunications services they consume. Finally, the AUSF surcharge should produce enough revenue to cover the costs of providing universal service.

Recommendation

The AUSF surcharge should be a uniform percentage of intrastate, end-user billed revenues. All telecommunications providers should assess the surcharge across all telecommunications services, including interexchange and wireless services. This uniform percentage surcharge should not be assessed against exchange access services or wholesale services such as interconnection and unbundled network elements.

Benefits of Recommendation

A uniform percentage surcharge across all intrastate, regulated telecommunications services satisfies the three criteria of efficiency, equity, and adequacy. First, by not assessing exchange access and wholesale services, the surcharge does not distort the production decisions of interexchange carriers, wireless carriers, and competitive local exchange companies. Second, assessing all retail services a uniform percentage surcharge prevents customers from substituting one telecommunications service for another and avoiding their fair share of the funding burden. Third, a uniform percentage surcharge is clearly capable of producing a sufficient amount of revenue for universal service funding needs.

ISSUE C

Size of the AUSF Support Area

Statement of Issue

As currently defined, the AUSF Support Area is the geographic area for which a local exchange carrier's ("LEC") eligibility to receive AUSF support is calculated. This area should not be so large as to preclude any LEC from receiving USF support, nor so small as to require using cost proxy models or other incremental cost techniques for estimating the costs of basic local exchange service.

Recommendation

ALECA recommends that geographic boundaries for AUSF be consistent with those used for federal USF.

Arizona Local Exchange Carriers Association (ALECA)

Review & Possible Revision of Arizona Universal Service Fund Rules, Article 12 of the Arizona Administrative Code

Docket No. RT-00000H-97-0137

Exhibit "A"

Page 13

Benefits of Recommendation

In order to insure accurate reporting and recovery of costs, ALECA recommends that consistent treatment of USF for both state and federal purposes will provide the optimal blend of adequate support, accuracy in reporting, and ease of administration. ALECA's recommendation accounts for the potential for disaggregated support within study areas consistent with FCC rules.

Overview of Oklahoma USF

The OUSF is funded by all telecommunications carriers, providing regulated and deregulated services.

165:59-3-4

The Order states that the incumbent LEC that was certified in a specific area as of January 1, 1996, shall be the provider eligible for USF. The Commission may designate other local exchange telecommunications service providers to be eligible for funding provided:

- (1) The other carrier has to be certified by the Commission to provide and offer universal services supported by 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. USF shall not begin until the facilities are in place.
- (2) The other local exchange telecommunications service provider received funding for the portion of the facilities that it owns, maintains, and uses for **regulated services**.
- (3) The other local exchange telecommunications provider shall not receive OUSF funding at a higher level than that of the incumbent LEC if the incumbent is also providing service in that area.

For any area served by an incumbent LEC which serves less than 75,000 access lines within the state, **only the incumbent LEC** shall be eligible for OUSF funding except:

- (1) Other eligible telecommunications carriers which provide Special Universal Services (see SUBCHAPTER 7 hospitals, schools, etc) shall be eligible to request and receive OUSF in the same manner as the ILEC.
- (2) The ILEC elects to waive the right to be the only eligible LEC in the local exchange area by filing notice with the commission.
- (3) After notice and hearing, the Commission makes a determination that it is in the public interest that **another local exchange carrier should also be deemed a carrier of last resort** and is eligible to receive OUSF funding in addition to the ILEC. It shall not be in the public interest to designate another local exchange telecommunications carrier 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 **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 OUSF is capped at the level the ILEC is receiving.

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 are 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, or portion of the area; and
- (b) Order such eligible telecommunications carrier, or carriers, to provide such service to that area, or portion of the area.

165:59-3-44 Amount of Contributions

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

165:59-3-46 Recovery of Contributions

In the Order, the company is allowed to recover the amount of its contributions to the OUSF from its retail customers. Prior to recovering its OUSF contributions from its customers, a regulated telecommunications carrier shall file with the Commission its proposed tariffs to recover from its retail customer classes its OUSF contribution, in accordance with the rules and orders of the Commission.

Part 9 Request for OUSF Funding

Each request for OUSF funding by an eligible ILEC serving less than seventy-five thousand access lines shall be premised upon the occurrence of one or more of the following:

- (a) In the event of an FCC order, rule or policy, the effect of which is to decrease the federal USF revenues of an eligible local exchange carrier, the eligible carrier shall recover the decreases in revenues from OUSF;
- (b) If, as a result of changes required by existing or future federal or state regulatory rules, order, or policies or by federal or state law, an eligible local exchange carrier experiences a reduction in revenues or an increase in costs, it shall recover the revenue reductions or cost increases from the OUSF, the recovered amounts being limited to the net reduction in revenues or cost increases; or,
- (c) If, as a result of changes required by existing or future federal or state regulatory rules, order, or policies or by federal or state law, an eligible local exchange carrier experiences a reduction in costs, upon approval by the Commission, the provider shall reduce the level of OUSF funding it receives to a level sufficient to account for the reduction in costs.

The receipt of OUSF funds for any of the changes referred to above shall not be conditioned upon any rate case or earning investigation by the Commission. The Commission shall approve the request for payment or adjustment of payment from the OUSF based on a comparison of the total annual revenues received from the sources affected by the changes described herein by the requesting eligible local exchange telecommunications carrier during the most recent twelve months preceding the request, and the reasonable calculation of total annual revenues or cost increases which will be experienced after the changes are implemented by the requesting eligible local exchange telecommunications carrier.

For requests for OUSF funding by an ILEC serving 75,000 or more access lines for a CLEC, the Commission shall after notice and hearing, make a determination of the level of OUSF funds, if any, that the provider is eligible to receive.

In areas where the Commission, after notice and hearing, designates a local exchange telecommunications service provider other than the incumbent, to be eligible for funding:

- (a) The other local exchange telecommunications provider may only receive funding for the portion of the facilities it owns, maintains, and uses for **regulated services**.
- (b) The amount of funding received will be capped at the level the ILEC receives if the ILEC is also providing services in that area.

There is also a provision that allows should the Commission expand primary USF services, the Administrator or its contracted agent, upon approval of the Commission, shall determine the level of additional OUSF funding to be made available to an eligible carrier.

Section 165:59-3-62 Procedures for requesting funding

The eligible local exchange carrier shall make every reasonable and timely effort to obtain funding from alternative funding sources designated to support universal service. **However, such efforts shall not delay the company's ability to pursue funding from the OUSF.**

Within 90 days after receipt of the completed Request for Funding, the Administrator shall review, determine the accuracy of the request, and advise the provider requesting the funds of the determination of eligibility.

Any adversely affected party shall have 15 days to file a request for reconsideration by the Commission of the determination of the Administrator. Upon filing the request for reconsideration, the matter will be set for hearing before the Commission *en banc*.

The Commission will, within 30 days from the request for reconsideration, or if not request for reconsideration is made, 30 days from the Administrator's determination, issue an order on the Request for Funding, the Administrator's or contracted agent's determination regarding the Request for Funding and any request for reconsideration.

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.

Section 165:59:3-64 Identifying and measuring the level of OUSF Funding

...the eligible local carrier serving less than 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 provider that serves 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 Fed Telecom Act of 1996.

Subchapter 5 & 7 deals with Lifeline and Special Universal Services

TITLE 165. CORPORATION COMMISSION
CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE
PERMANENT RULES
UPDATED, EFFECTIVE 7-1-01

Note: These rules are provided for the convenience of those who are affected by the jurisdiction of the Oklahoma Corporation Commission. Although the text of these rules is the same as the text of the rules on file in the Office of Administrative Rules, they are not the official version of the Oklahoma Administrative Code. Official rules are available from the Office of Administrative Rules of the Oklahoma Secretary of State.

CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE

Subchapter

	Section
1. General Provisions	165:59-1-1
3. Oklahoma Universal Service Fund	165:59-3-1
5. Lifeline Service [REVOKED]	165:59-5-1
7. Special Universal Services	165:59-7-1
9. Lifeline Service	165:59-9-1

[AUTHORITY: Okla. Const. Art. IX, Section 18; 17 O.S. Section 137.3; 17 O.S. Section 139.101 et seq.]

[Source: Codified 7-1-97]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

165:59-1-1.	Purpose and title
165:59-1-2.	Jurisdiction
165:59-1-3.	Application of rules
165:59-1-4.	Definitions
165:59-1-5.	Interpretation of rules
165:59-1-6.	Relief from rules
165:59-1-7.	Supremacy
165:59-1-8.	Controversy over rules
165:59-1-9.	Severability

SUBCHAPTER 1. GENERAL PROVISIONS

165:59-1-1. Purpose and title

- (a) This Chapter establishes the Oklahoma Corporation Commission Rules and Regulations Governing the Provisioning of Oklahoma's Universal Services and Lifeline Service Program in conformance with the Oklahoma Telecommunications Act of 1997. This Chapter shall be cited as the Oklahoma Universal Services and the Lifeline Rules.
- (b) The purpose of this Chapter is to establish such rules pertaining to Universal Services and Lifeline Service Program as are necessary and appropriate to implement the Oklahoma Telecommunications Act of 1997.

- (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 calculating and distributing OUSF and OLF funding.
- (d) This Chapter also establishes the guidelines for administration of the OUSF and the OLF.
- (e) The Commission shall initiate a docket within two (2) years of the implementation of the Federal Universal Service Fund Plan to insure that the framework established by this Chapter for the OUSF is preserving and advancing universal service objectives in the State of Oklahoma, which docket shall include a review of whether the High Cost Fund should be transitioned into the OUSF.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

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 of 1997 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 state objectives for Oklahoma Universal Services and Lifeline.

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

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 1901, eff 7-1-98]

165:59-1-4. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Access line" means the facility provided and maintained by a telecommunications service provider which permits access to or from the public switched network.

"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.

"Commission" means the Oklahoma Corporation Commission.

"Competitive local exchange carrier" ("Competitive LEC" or "CLEC") means, with respect to an area or exchange, a telecommunications service provider that is certificated by the Commission to provide local exchange services in that area or exchange within the State of Oklahoma after July 1, 1995.

"Competitively neutral" means not advantaging or favoring one person over another.

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

"Eligible local exchange telecommunications service provider" means any incumbent LEC that was designated as an eligible local exchange telecommunications service provider pursuant to OAC 165:55-17-29 and any telecommunications service provider that has been determined to be an eligible local exchange telecommunications service provider pursuant to OAC 165:59-3-14.

"End-User Common Line Charge" means the flat rate monthly interstate access charge required by the Federal Communications Commission that contributes to the cost of local service.

"Enhanced service" means a service that is delivered over communications transmission facilities and that uses computer processing applications to:

- (A) Change the content, format, code, or protocol of transmitted information;
- (B) Provide the customer new or restructured information; or
- (C) Involve end-user interaction with information stored in a computer.

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

"Exchange" means a geographic area established by an incumbent local exchange telecommunications provider as filed with or approved by the Commission for the administration of local telecommunications service in a specified area which usually embraces a city, town, or village and its environs and which may consist of one or more central offices together with associated plant used in furnishing telecommunications service in that area.

"Facilities" means all the plant and equipment of a telecommunications service provider, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the regulated business of any telecommunications service provider.

"FCC" means the Federal Communications Commission.

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

"Incumbent local exchange telecommunications service provider" or "Incumbent local exchange carrier" or "ILEC" means, with respect to an area or exchanges, any telecommunications service provider furnishing local exchange service in such area or exchanges within this state on July 1, 1995, pursuant to a certificate of convenience and necessity or grandfathered authority.

"Internet" means the international research-oriented network comprised of business, government, academic and other networks.

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

"Local exchange telecommunications service" means a regulated switched or dedicated telecommunications service which originates and terminates within an exchange or an exchange service territory. Local exchange telecommunications service may be terminated by a telecommunications service provider other than the telecommunications service provider on whose network the call originated. The local exchange

service territory defined in the originating provider's tariff shall determine whether the call is local exchange service.

"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.

"Not-for-profit hospital" means a municipal, county or state government-owned, not-for-profit hospital, that is primarily funded by county, state or federal support, which is located within the State of Oklahoma and is devoted primarily for the maintenance and operation of facilities for the diagnosis, treatment or care of patients admitted overnight or longer in order to obtain medical care, surgical care or obstetrical care.

"Oklahoma High Cost Fund" or "HCF" means the fund established by the Commission in Cause Nos. PUD 950000117 and 950000119.

"Oklahoma Lifeline Fund" or "OLF" means the fund established and required to be implemented by the Commission pursuant to 17 O.S. Supp. 1997 § 139.105.

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

"Oklahoma Universal Service Fund" or "OUSF" or "Fund" means the fund established and required to be implemented by the Commission pursuant to 17 O.S. Supp. 1997 § 139.106.

"OneNet" means the telecommunications network which is operated by the Oklahoma Office of State Finance for the purpose of providing, within this State, telecommunications services to governmental and educational entities and to medical entities of the kind previously served by the Oklahoma Telemedicine Network.

"Person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character, or any other entity.

"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 library" means a library or library system that is freely open to all persons under identical conditions, and which is supported in whole or in part by public funds. Public Libraries shall not include libraries operated as part of any university, college, school, museum, the Oklahoma Historical Society or county law libraries.

"Public school" means all free schools supported by public taxation, and shall include grades kindergarten through twelve.

"Regulated telecommunications service" means the offering of telecommunications for a fee directly to the public where the rates for such service are regulated by the Commission. Regulated telecommunications service does not include the provision of nontelecommunications services, including, but not limited to, the printing, distribution, or sale of advertising in telephone directories, maintenance of inside wire, customer premises equipment, and billing and collection service, nor does it include the provision of wireless telephone service, enhanced service, and other unregulated services, including services not under the jurisdiction of the Commission, and services determined by the Commission to be competitive.

"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 at 56 kbps, provided free of charge to a public school building wherein classrooms are contained or a public library within the State, or the equivalent credit of a 56 kbps access line, 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 a not-for-profit hospital within the State, sufficient for providing such telemedicine services as the hospital 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 therefor, which have been filed with the Commission and have become effective.

"Telecommunications" means the transmission, between or among points specified by the user, of voice or data information of the user's choosing, without change in the form or content of the information as sent and received.

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

"Telecommunications carrier" means a person that provides telecommunications service in this state.

"Telecommunications service" means the offering of telecommunications for a fee.

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

"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.

"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.

"Wire center" means a geographic area normally served by a central office.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 18 Ok Reg 2448, eff 7-1-01]

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 1901, eff 7-1-98]

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

- 165:59-3-10. Use of the Oklahoma Universal Service Fund
- 165:59-3-11. How the Oklahoma Universal Service Fund shall be funded
- 165:59-3-12. Operational requirements and processes for the OUSF
- 165:59-3-13. Fund amount
- 165:59-3-14. Eligibility to receive OUSF funding
- 165:59-3-15. Relinquishment of OUSF support eligibility
- 165:59-3-16. Designation of eligible telecommunications carriers of unserved areas

PART 5. ADMINISTRATION OF THE OUSF

- 165:59-3-30 Administration of the Fund
- 165:59-3-31. [RESERVED]
- 165:59-3-32. Audits of the Fund
- 165:59-3-33. [RESERVED]
- 165:59-3-34. Resolution of disputes regarding contributions
- 165:59-3-35. [RESERVED]
- 165:59-3-36. Resolution of other disputes
- 165:59-3-37. [RESERVED]
- 165:59-3-38. Violations

PART 7. CONTRIBUTIONS TO THE OUSF

- 165:59-3-40. Contributors to the OUSF
- 165:59-3-41. [RESERVED]
- 165:59-3-42. Reporting requirements
- 165:59-3-43. [RESERVED]
- 165:59-3-44. Amount of contributions
- 165:59-3-45 [RESERVED]
- 165:59-3-46 Recovery of Contributions

PART 9. REQUESTS FOR OUSF FUNDING

- 165:59-3-60. Requests for funding from the OUSF
- 165:59-3-61. Forms for requesting funding from the OUSF
- 165:59-3-62. Procedures for requesting funding from the OUSF
- 165:59-3-63. [RESERVED]
- 165:59-3-64. Identifying and measuring the level of OUSF funding

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.

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

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 of 1997 as follows:

- (1) To reimburse eligible local exchange telecommunications service providers for the reasonable investments and expenses not recovered from the federal universal service fund or any other state or federal government fund incurred in providing universal services;
- (2) Infrastructure expenditures or costs incurred in response to facility or service requirements established by a legislative, regulatory, or judicial authority or other governmental entity mandate;
- (3) To reimburse eligible local exchange telecommunications service providers for providing the Special Universal Services as set forth in 17 O.S. Supp. 1997 § 139.109(C);
- (4) To defray the costs of administering the OUSF, including the costs of an annual independent audit, if not performed by the Commission staff;
- (5) To reimburse eligible local exchange telecommunications providers for assessed contributions to Oklahoma Telecommunications Technology Training Fund as set forth in OAC 165:59-3-14(h).
- (6) For other purposes deemed necessary by the Commission to preserve and advance universal service.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

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

The OUSF shall be funded in a competitively neutral manner by a charge paid by all telecommunications carriers, providing regulated and unregulated services, at a level sufficient to maintain the availability of Oklahoma Universal Services and to provide for administration of the fund.

[**Source:** Added at 15 Ok Reg 1901, eff 7-1-98]

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 1901, eff 7-1-98]

165:59-3-13. Fund amount

- (a) The Commission shall initiate a docket to establish the initial funding level estimate for the first five (5) months of the OUSF which shall be billed to the telecommunications carriers required to contribute to the fund under OAC 165:59-3-11. Thereafter, the funding level shall be adjusted by the Commission, as necessary or on an annual basis, and billed to 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:** Added at 15 Ok Reg 1901, eff 7-1-98]

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. Supp. 1997 § 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. Supp. 1997 § 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. Universal service support under this subsection shall not begin until the other local exchange telecommunications service provider has facilities in place;
 - (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. Supp. 1997 § 139.109.
 - (h) Any provider who is not prohibited from applying for OUSF funds as set forth in 17 O.S. Supp. 1997 §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 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

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:** 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) Performing any periodic audits of the OUSF deemed necessary by the Administrator and/or the Commission;
 - (6) Informally resolving disputes;
 - (7) 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
 - (8) 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 1901, eff 7-1-98]

165:59-3-31. [RESERVED]**165:59-3-32. Audits of the Fund**

- (a) The OUSF is subject to an annual audit by:
 - (1) An independent certified public accountant selected by the Commission or its designee; and/or
 - (2) The Staff of the Public Utility Division; 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 OUSF 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 1901, eff 7-1-98]

165:59-3-33. [RESERVED]**165:59-3-34. Resolution of disputes regarding contributions**

- (a) Any telecommunications carrier which contributes to the OUSF may dispute the amount of contribution it is required to pay into the OUSF, in the following manner:
 - (1) The telecommunications carrier shall make a written request to the Administrator or contracted agent of the OUSF, on or before the payment due date, setting forth its dispute and the Administrator 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 OUSF.
- (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(e)(1), of any excess amount paid.

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

65:59-3-35. [RESERVED]**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 1901, eff 7-1-98]

165:59-3-37. [RESERVED]**165:59-3-38. Violations**

- (a) Failure to pay an assessed contribution to the OUSF shall be deemed a violation of this Chapter.
- (b) If the Commission determines after notice and hearing that a telecommunications carrier has acted in violation of 17 O.S. Supp. 1997 § 139.107, in addition to the other enforcement powers of the Commission, including its contempt powers and authority to revoke a provider's certificate of convenience and necessity, the Commission may bring an action on behalf of the Oklahoma Lifeline Fund or the Oklahoma Universal Service Fund, in the district court that the Commission deems appropriate, to recover any unpaid fees and charges the Commission has determined are due and payable, including interest, administrative and adjudicative costs, and attorney fees. Upon collection of the charges and costs, the Administrator shall pay the costs of the actions and deposit the remaining funds in the Oklahoma Lifeline Fund or the Oklahoma Universal Service Fund as appropriate.

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

PART 7. CONTRIBUTIONS TO THE OUSF**165:59-3-40. Contributors to the OUSF**

Every telecommunications carrier shall contribute, on a nondiscriminatory basis, into the OUSF.

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

165:59-3-41. [RESERVED]**165:59-3-42. Reporting requirements**

Each contributor subject to this Chapter 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 the telecommunications carrier's total retail-billed Oklahoma intrastate telecommunications revenues from both regulated and unregulated telecommunications services.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

165:59-3-43. [RESERVED]**165:59-3-44. Amount of contributions**

- (a) The amount of contribution required from each telecommunications carrier shall be based on: total retail-billed Oklahoma intrastate telecommunications revenues, from both regulated and unregulated telecommunications services, of the telecommunications carrier as a percentage of all telecommunications carriers' total retail-billed intrastate telecommunications revenues, from both regulated and unregulated telecommunications services, for the 12-month period identified by the Administrator or contracted agent.
- (b) The Administrator or contracted agent 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 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 check or other negotiable instrument 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 or other request for OUSF contributions, 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% 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 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

165:59-3-45. [RESERVED]

165:59-3-46. Recovery of contributions

- (a) A telecommunications carrier may, at its option, recover the amount of its contributions to the OUSF from its retail customers. 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) Prior to recovering its OUSF contributions from its customers, a regulated telecommunications carrier shall file in the Commission Court Clerk's Office its proposed tariffs to recover, from its retail customer classes its OUSF contribution, in accordance with the rules and orders of the Commission. The filing shall include supporting documentation. The supporting documentation must include, documentation related to the payments made to OUSF, status of OUSF recovery from retail end-users from the preceding period, any proposed change(s), and any other supporting documentation requested by the Commission required for adequate evaluation. A copy of the proposed tariff and supporting documentation shall be delivered to the Attorney General contemporaneously with such filing. The telecommunications carrier's tariffs shall include a provision to ensure that any recovery from its retail customers shall be in a fair,

equitable and nondiscriminatory manner, and that no over-recovery of contributions occurs. 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 carrier's OUSF contributions; or refunded in the event its reimbursements for that year are insufficient to offset such over-recovery. Any under-recovery of the OUSF contribution for the preceding year, may at the option of the carrier be recovered from the end-users within the following twelve months.

- (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 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

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. Supp 1997 § 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 premised upon the occurrence of one or more of the following:
 - (1) In the event of an FCC order, rule or policy, the effect of which is to decrease the federal universal service fund revenues of an eligible local exchange telecommunications service provider, the

- eligible local exchange telecommunications service provider shall recover the decreases in revenues from the OUSF;
- (2) If, as a result of changes required by existing or future federal or state regulatory rules, orders, or policies or by federal or state law, an eligible local exchange telecommunications service provider experiences a reduction in revenues or an increase in costs, it shall recover the revenue reductions or cost increases from the OUSF, the recovered amounts being limited to the net reduction in revenues or cost increases; or
 - (3) If, as a result of changes made as required by existing or future federal or state regulatory rules, orders, or policies or by federal or state law, an eligible local exchange telecommunications service provider experiences a reduction in costs, upon approval by the Commission, the provider shall reduce the level of OUSF funding it receives to a level sufficient to account for the reduction in costs.
- (d) The receipt of OUSF funds for any of the changes referred to in subsection (c) of this Section shall not be conditioned upon any rate case or earnings investigation by the Commission. The Commission shall, pursuant to 17 O.S. 1997 Supp. § 139.106(d), approve the request for payment or adjustment of payment from the OUSF based on a comparison of the total annual revenues received from the sources affected by the changes described herein by the requesting eligible local exchange telecommunications service provider during the most recent twelve (12) months preceding the request, and the reasonable calculation of total annual revenues or cost increases which will be experienced after the changes are implemented by the requesting eligible local exchange telecommunications service provider.
- (e) Upon request for OUSF funding by an ILEC serving seventy-five thousand (75,000) or more access lines or a CLEC, the Commission shall after notice and hearing make a determination of the level of OUSF funds, if any, that the provider is eligible to receive for the purposes contained in subsection (c) of this Section. If the Commission fails to make a determination within one hundred twenty (120) days of the filing of the request, the request for funding shall be deemed approved.
- (f) Providers who are not prohibited from applying for OUSF funds as set forth in 17 O.S. Supp. 1997 § 139.109 shall receive funding from the OUSF without a hearing, for any special universal services provided and contributions made to the Oklahoma E911 Emergency Service Fund and the Oklahoma Telecommunications Technology Training Fund, pursuant to OAC 165:59-7-1.

- (g) In areas where the Commission, after notice and hearing, designates a local exchange telecommunications service provider other than the incumbent, to be eligible for funding:
- (1) 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,
 - (2) 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.
- (h) 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, 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 paragraph (g)(1) of this Section and OAC 165:59-3-14.
- (i) Should the Commission expand primary universal services in accordance with OAC 165:59-3-1(b), the Administrator or its contracted agent, upon approval of the Commission, shall determine the level of additional OUSF funding to be made available to an eligible local exchange telecommunications service provider.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

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

The appropriate forms necessary for making a funding request shall be available and may be obtained from the Public Utility Division.

[**Source:** Added at 15 Ok Reg 1901, eff 7-1-98]

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

- (a) An eligible telecommunications carrier 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.
- (b) 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 local exchange telecommunications service provider shall make every reasonable and timely effort to obtain funding from alternative funding sources designated to support universal service. However, such efforts shall not delay the company's ability to pursue funding from the OUSF.
- (c) If an eligible local exchange telecommunications service provider receives funding from alternative funding sources for an investment or expense already reimbursed by the OUSF, the company shall reduce the amount of any prospective funding request from the OUSF by an equivalent amount. Under no circumstances will double recovery be allowed.
- (d) Concurrent with the filing of the Request for OUSF Funding, the eligible telecommunications carrier who is requesting funding from the OUSF shall provide notice of the Request for OUSF Funding 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 OUSF. In addition, the eligible telecommunications carrier which is requesting funding shall provide copies of its Request for OUSF Funding to the Attorney General, and to such contributors to the OUSF, upon request. The Administrator shall provide a list of the contributors to the OUSF upon request by an eligible telecommunications carrier.
- (e) 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.
- (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. Upon filing a request for reconsideration, the matter will be set for hearing before the Commission *en banc*.

- (g) The Commission will, within thirty (30) days from the request for reconsideration, or if no request for reconsideration is made, thirty (30) days from the Administrator's determination, issue an order on the Request for OUSF Funding, the Administrator's or contracted agent's determination regarding the Request for OUSF Funding and any request for reconsideration. The Commission shall give notice to the provider making the Request for OUSF Funding, 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 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. 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.
- (j) The Administrator or contracted agent 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 provide the approved funding to the requesting eligible local exchange telecommunications service provider after issuance of a Commission order approving payment or the request is deemed approved, whichever occurs sooner.
- (k) Any Request for OUSF Funding 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. The appropriate forms may be obtained from the Public Utility Division of the Commission.
- (l) Unless good cause is shown, any request for OUSF funding should be made within twelve (12) months from the date the requesting telecommunications carrier can determine the impact of occurrence of the circumstances giving rise to the request.

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

165:59-3-63. [RESERVED]

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. Supp. 1997 § 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. Supp. 1997 § 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 1901, eff 7-1-98]

SUBCHAPTER 5. LIFELINE SERVICE**[REVOKED]**

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1901, 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 not-for-profit hospitals
- 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. Resold Special Universal Services
- 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) It is the Commission's intention to facilitate the availability of Special Universal Services as expeditiously as possible.
- (b) 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 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 of 1997.

- (c) A provider of the free-of-charge telecommunications services identified in this Chapter and 17 O.S. (1997 Supp.) § 139.109 as Special Universal Services, shall be reimbursed from the OUSF for the provisioning of said Special Universal Services, if requested.
- (d) 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 are provided, along with documentation supporting the requested level of funding. The information shall include the applicable tariffed rate or charges for providing the services.
- (e) 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 of 1997.

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

165:59-7-2. **[RESERVED]**

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 1919, eff 7-1-98]

165:59-7-4. [RESERVED]**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 1919, eff 7-1-98; Amended at 18 Ok Reg 2448, eff 7-1-01]

165:59-7-6. Telemedicine access for not-for-profit hospitals

- (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 not-for-profit hospitals:
 - (1) Empowering not-for-profit hospitals, 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 not-for-profit hospitals.
- (b) Upon receipt of a written request by an authorized representative of a not-for-profit hospital, 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 services as the hospital is equipped to provide.
- (c) The telecommunications carrier shall be entitled to reimbursement from the OUSF for the recurring amount of the tariffed 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 onetime charge(s) for the establishment of service of a new telecommunications line or wireless connection.
- (f) The written request by an authorized representative of a not-for-profit hospital to a telecommunications carrier or OneNet shall be in the form and content approved by the Director of the Public Utility Division.
- (g) If available, the not-for-profit hospital shall select an Internet provider that is accessible via a non-toll call, in order to minimize the toll charges that may be recoverable from the OUSF. If no non-toll provider is available, the not-for-profit hospital may seek a waiver letter from the Director of the Public Utility Division in order to select an Internet provider that is accessible via a toll call.

[**Source:** Added at 18 Ok Reg 2448, eff 7-1-01]

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 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:
 - (1) One access line, free of charge, with the ability to connect toll-free to an Internet service provider at 56 kbps, in the most economically efficient manner for the carrier, including services that link locations prior to accessing an Internet provider; or,
 - (2) If the public school or public library elects to connect to the Internet at a rate exceeding 56 kbps the provider of the faster service shall give an equivalent dollar credit equal to its 56 kbps rate to the public school or public library to be applied to the bill for the faster service obtained from that provider.

- (c) If available, the public school or public library shall select an Internet provider that is accessible via a nontoll call, in order to minimize the toll charges that may be recoverable from the OUSF. If no nontoll provider is available, the public school or public library may seek a waiver letter from the Director of the Public Utility Division in order to select an Internet provider that is accessible via a toll call.
- (d) 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.
- (e) 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.
- (f) 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 at 56 kbps and the associated usage, and all access or other charges paid by the provider of the Special Universal Service.

[**Source:** Added at 15 Ok Reg 1919, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

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 1919, eff 7-1-98]

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

Recipients of funds from the Special Universal Service Fund 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.

[**Source:** Added at 18 Ok Reg 2448, eff 7-1-01]

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 1919, eff 7-1-98]

165:59-7-12. [RESERVED]

165:59-7-13. Resold Special Universal Services

Special Universal Services purchased from a provider of Special Universal Services are for the exclusive use of the not-for-profit hospital, public school and public library or county government which has submitted a written request for Special Universal Services. Under no circumstances shall the not-for-profit hospital, 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 1919, eff 7-1-98]

165:59-7-14. [RESERVED]

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

- (a) Upon receipt of a written request by a not-for-profit hospital, 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 1919, eff 7-1-98]

165:59-7-16. [RESERVED]**165:59-7-17. Disclosure on bill regarding provided Special Universal Services**

Each provider of Special Universal Services, which may be either a telecommunications carrier or OneNet, shall render a bill to the not-for-profit hospital, 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. The bill should also separately reflect a credit equivalent to the reimbursement to be received by the provider from the Oklahoma Universal Service Fund. Such credits shall be made to the entities before requesting any associated disbursement from the OUSF.

[Source: Added at 15 Ok Reg 1919, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

SUBCHAPTER 9. OKLAHOMA LIFELINE FUND

PART 1. LIFELINE SERVICE PROGRAM

Section

165:59-9-1.	Purpose of Oklahoma Lifeline Fund
165:59-9-2.	[RESERVED]
165:59-9-3.	Lifeline Service Program
165:59-9-4.	[RESERVED]
165:59-9-5.	Recertification

PART 3. ADMINISTRATION OF THE OKLAHOMA LIFELINE FUND

169:59-9-11.	Administration of the Fund
165:59-9-12.	[RESERVED]
165:59-9-13.	Audits
165:59-9-14.	[RESERVED]
165:59-9-15.	Violations
165:59-9-16.	[RESERVED]
165:59-9-17.	Reporting requirements

PART 5. CONTRIBUTIONS AND REIMBURSEMENTS

169:59-9-21.	Contributions to the Oklahoma Lifeline Fund
165:59-9-22.	[RESERVED]
165:59-9-23.	Amount of contribution
165:59-9-24.	[RESERVED]
165:59-9-25.	Procedures for requesting reimbursement from the OLF
165:59-9-26.	[RESERVED]
165:59-9-27.	Recovery of contribution
165:59-9-28.	[RESERVED]
165:59-9-29.	Resolution of disputes regarding contributions

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. (Supp. 1997) §§ 139.105 and 139.107 and 47 C.F.R. § 69.104 (k)(1).

- (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 47 C.F.R. § 69.104 (k)(1) and 17 O.S. (Supp. 1997) § 139.105, 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 1915, eff 7-1-98]

165:59-9-2. [RESERVED]

165:59-9-3. Lifeline Service Program

- (a) The Lifeline Service Program is a program designed to operate in conjunction with the Federal Lifeline program, to provide full waiver of the End-User Common Line Charge and a monthly credit to the monthly bill of qualifying residential subscribers for basic local exchange service, in an amount equal to the End-User Common Line Charge, or such other amount as may be established by the Commission, after notice and hearing.
- (b) In order to qualify for the Lifeline Service Program, a customer must meet the requirements of 46 CFR § 69.104(k)(1) and show that they:
 - (1) Are eligible for or receive assistance or benefits, as certified by the Department of Human Services, under a program providing:
 - (A) Temporary Assistance to Needy Families,
 - (B) Food Stamps,
 - (C) Medical Assistance, or
 - (D) Supplemental Security Income;
 - (2) Are eligible for 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
 - (3) Are eligible for 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.
- (c) Each telecommunications carrier shall file tariffs implementing a Lifeline Service Program that is consistent with this Subchapter.
- (d) 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.

[**Source:** Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

165:59-9-4. [RESERVED]

165:59-9-5. Recertification

Each telecommunications carrier that provides service to residential customers who qualify for participation in the Lifeline Service Program shall, annually, require documentation for each Lifeline Service Program participant, for the purpose of determining their continued eligibility for Lifeline Service Program credits.

[**Source:** Added at 15 Ok Reg 1915, eff 7-1-98]

PART 3. ADMINISTRATION OF THE OKLAHOMA LIFELINE FUND

169:59-9-11. 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 1915, eff 7-1-98]

165:59-9-12. [RESERVED]

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; and
- (2) The amounts received by the telecommunications carrier for reimbursement from the OLF.

[**Source:** Added at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-14. [RESERVED]

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 1915, eff 7-1-98]

165:59-9-16. [RESERVED]

165:59-9-17. Reporting requirements

Each contributor to the OLF shall, not later than January 15, 1998, and thereafter 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 1915, eff 7-1-98]

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 1915, eff 7-1-98]

165:59-9-22. [RESERVED]

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 Oklahoma 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 check or other negotiable instrument shall be payable to the OLF. 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% monthly.
- (e) All contributions and interest payments made to the OLF shall be deposited into the OLF account by the Administrator or contracted agent.

[**Source:** Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99]

165:59-9-24. [RESERVED]

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 before the Commission *en banc*.
- (g) The Commission will, within 30 days from the request for reconsideration, or if no request for reconsideration is made, 30 days from the Administrator's or contracted agent's determination, issue an order on the request for OLF funding, 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 1915, eff 7-1-98]

165:59-9-26. [RESERVED]

165:59-9-27. Recovery of contribution

Each contributor to the OLF may recover its contributions consistent with OAC 165:59-3-46. The OLF recovery received by each provider shall be trued up annually. 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 1915, eff 7-1-98]

165:59-9-28. [RESERVED]

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 1915, eff 7-1-98]