

TITLE 93. BROADBAND GOVERNING BOARD
CHAPTER 1. ADMINISTRATIVE OPERATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

93:1-1-1. Purpose

The rules of this Chapter describe the organization and the administrative operation of the Broadband Governing Board (“Board”), the procedures for requests for rule changes and the procedures for the filing and prompt disposition of petitions for declaratory rulings as to the applicability of any rule or order of the Board, as required under the Administrative Procedures Act.

93:1-1-2. Agency organization

(a) The Broadband Governing Board sets broadband expansion policy in the State to ensure that affordable, high-speed internet is available to all Oklahomans. The Board creates and implements an annual budget and grant incentive programs. Additionally, the Board oversees the development of the State Broadband Plan and broadband mapping, which describes how the state will achieve 95 percent high-speed internet coverage by June 2028.

(b) The Oklahoma Broadband Office (“Office”) is charged with fulfilling the Board’s mission of statewide broadband expansion by developing a comprehensive plan, managing grant applicants, processes, and procedures, making formal grant awards, and overseeing the subrecipients of the grants. This includes grant agreements, monitoring, compliance, and federal reporting requirements.

93:1-1-3. Oklahoma Broadband Office

(a) The Oklahoma Broadband Governing Board and the Oklahoma Broadband Office are located at 301 NW 63rd St., Suite 200, Oklahoma City, OK 73116.

(b) General office hours are from 8:00 a.m. to 5:00 p.m. each day, except Saturday and Sunday, and any legal holiday established by statute or proclamation of the Governor.

93:1-1-4. Availability of records

(a) **Document location.** All rules and other written statements of policy or interpretations formulated, adopted, or used by the Board in the discharge of its functions and all final orders, decisions and opinions will be made available for public inspection at the principal office during regular office hours.

(b) **Official records.** Copies of official records of the Board may be made and certified by the Executive Director or his designee according to the fee schedule enacted by the Board. Any records or material in the Board's offices that are protected from disclosure by state law shall not be released.

93:1-1-5. Petitions for adoption, amendment, or repeal of a rule

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning:

(1) **"Rule"** shall have the meaning set forth in the Administrative Procedures Act at 75 O.S. § 250.3.

(2) **"Rulemaking"** shall have the meaning set forth in the Administrative Procedures Act at 75 O.S. § 250.3.

(3) **"Submission of a petition"** shall mean receipt of a petition by the Board in accordance with the requirements of (b) of this Section.

(b) **Petitions.** Any person may initiate an informal proceeding for the purpose of requesting the Board to promulgate, amend, or repeal a rule in this Title. An informal proceeding to request rulemaking in accordance with the provisions of this Section shall be initiated by filing a petition in accordance with all of the following requirements:

(1) Petitions shall be submitted in writing and filed with the Oklahoma Broadband Governing Board. The petition shall meet all of the following requirements:

(A) The petition shall state a description of the alleged necessity or basis for the requested change;

(B) The petition shall describe any potential conflicts with any existing statute or regulation that would result from the proposed rulemaking action requested;

(C) The petition shall include citations to all statutory provisions, if any, which provide authority for the Board to promulgate, amend, or repeal the rule;

(D) The petition shall be signed by the petitioner or an authorized representative of the petitioner; and

(E) The petition shall state the name, address, telephone number, and email address of the petitioner or an authorized representative of petitioner.

(2) Upon receipt by the Board, the petition will be stamped to show the date of submission, and the Board shall review the petition for compliance with all of the provisions of this Section. If the petition complies with all provisions of (b) of this Section, the Board may set the petition for consideration by the Board at the next regular meeting of the Board, or at a subsequent meeting if the petition is not received until after the agenda for the next meeting has already been set.

(c) **Review and consideration of petitions.** Petitions for adoption, amendment, or repeal of a rule in accordance with the provisions of this Section shall be considered by the Board in accordance with the following provisions:

(1) If the Board approves further consideration of the proposed change, the decision shall be reflected in the meeting minutes of the Board. Within five (5) business days of the date of the meeting, written notification will be mailed to petitioner that such proposal will be formally considered for adoption, amendment, or repeal, provided that the process for rule adoption, amendment, or repeal shall be conducted in accordance with the requirements of the Administrative Procedures Act.

(2) In the event the Board determines that the proposal or request should not receive further consideration, the decision shall be reflected in the minutes of the Board. Within five (5) business days of the date of the meeting, written notification of the denial of the petition will be mailed to petitioner.

(3) In the event the Board fails to decide whether or not to take action on the petition within thirty (30) days of the date of submission of the petition, the petition shall be deemed to have been denied in accordance with the provisions of 75 O.S. § 305.

93:1-1-6. Procedures for declaratory rulings

(a) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning:

(1) "**Declaratory ruling**" shall mean an informal declaration as to the applicability of a rule or order in an individual case for the purpose of providing a petitioner with a definitive response to a question about an ambiguity in the law as necessary to allow a petitioner to ascertain legal obligations and comply accordingly.

(b) **Petitions for declaratory ruling.** Any person affected by a rule adopted by the Oklahoma Broadband Governing Board set forth in this Title or an order issued by the Board may petition for a declaratory ruling as to the applicability of a specific rule or order in a specified set of circumstances involving petitioner. Petitions for a declaratory ruling shall be submitted in accordance with the following procedures:

(1) The petition must be in writing and submitted to the Oklahoma Broadband Governing Board;

(2) The petition shall specifically identify the rule in question by citation to the Oklahoma Administrative Code;

(3) The petition shall pose the specific issue(s) to be answered by the Oklahoma Broadband Governing Board;

(4) The petition shall state clearly and with specificity all factual and legal grounds in support of petitioner's interpretation of the rule or order and shall include:

(A) An allegation of all facts upon which the declaratory ruling is based; and

(B) Copies of all documentation cited by petitioner in support of petitioner's claim attached to the petition;

(5) The petition shall be signed by the petitioner or an authorized representative of the petitioner; and

(6) The petition shall state the name, address, telephone number, and email address of the petitioner or an authorized representative of petitioner at which all notices required by this Section shall be served.

(c) **Review of a petition for declaratory ruling.** Upon receipt by the Board, the petition will be stamped to show the date of submission, and the Board shall promptly notify the petitioner, the agency's legal counsel, and any other interested parties of the date of the board meeting at which the petition has been set for initial review by the Board. The date set for initial review shall be at least ten (10) calendar days from the date of receipt of the petition by the Board.

(d) **Initial review of petition.** Upon preliminary review of the petition, the Board may take one of the following actions:

(1) The Board may consider the merits of the petition and issue a ruling at the meeting;

(2) The Board may dismiss the petition on one or more of the following grounds:

(A) The petition was not filed in accordance with the requirements of this Section; or

(B) The request for a declaratory ruling stated in the petition is more appropriately handled through the agency rulemaking process in accordance with the provisions of the Administrative Procedures Act; or

(3) The Board may order a hearing on the matter and specify a date at which petitioner, counsel for the agency and any other individuals or entities deemed interested parties by the Board may present oral argument on the issues raised in the petition. The Board shall prescribe the amount of time allotted for oral argument.

(e) **Declaratory ruling.** At the conclusion of the presentation of the matter, the Board may render a decision on the petition or continue the meeting for further deliberation at a later date. Upon rendering a decision, a written decision memorializing the Board's decision shall be issued and signed by the Chairman of the Board, and a copy of the decision shall be mailed to Petitioner via certified mail within ten (10) calendar days of the date the decision is rendered.

(f) **Judicial review.** A declaratory ruling or refusal to issue such ruling, shall be subject to judicial review in the manner provided for review of decisions in individual proceedings set forth in the Oklahoma Administrative Procedures Act at 75 O.S. §§ 317-323.