**BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA**

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| IN RE: INQUIRY OF THE OKLAHOMA CORPORATION COMMISSION TO IDENTIFY AND RESOLVE ISSUES RELATED TO THE OKLAHOMA UNIVERSAL SERVICE FUND, LIFELINE SERVICE, OKLAHOMA HIGH COST FUND, BROADBAND SUPPORT, VOIP SERVICE AND OTHER TELECOMMUNICATIONS MATTERS | ))))))) | CAUSE NO. PUD 201800066 |

**THIRD SET OF QUESTIONS FOR NOTICE OF INQUIRY**

The Oklahoma Corporation Commission (“Commission”) issued a Notice of Inquiry (“NOI”) on June 28, 2018, in order to identify and resolve issues related to and/or affecting the Oklahoma Universal Service Fund and the Oklahoma Lifeline Fund (collectively, “OUSF”), and other telecommunications related questions.

The Public Utility Division (“PUD”) invites all interested persons to **submit comments regarding the below questions on or before October 9, 2019**. Those persons interested in submitting comments should file two (2) copies of their comments, referring to Cause No. PUD 201800066, with the Commission’s Court Clerk, and submit a filed copy of the comments via email to Jeff W. Kline at jeff.kline@occ.ok.gov. The comments will be made available for public inspection by telephone, email, through the Commission’s Imaging system, or in-person request during regular business hours of the Court Clerk, 8:00 a.m. to 4:30 p.m.

Based on the submitted comments, PUD may request additional comments be submitted, or may request additional technical conference(s), as needed.

Further information and inquiries regarding this NOI should be directed to Jeff W. Kline, Deputy General Counsel, by telephone (405) 521-2308, e-mail jeff.kline@occ.ok.gov, facsimile (405) 521-4150, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

1. **Description of Proposed Changes – Section 139.102** (attached hereto as *Attachment A*)

There are proposed changes to a number of definitions that appear elsewhere in 17 O.S. § 139, *et al.* which are intended to clarify existing definitions and / or add definitions that support language elsewhere in this Section.

The substantive proposed changes, those changes that involve more that typographical changes (e.g., capitalization of definitions), are described as follows:

***Change No. 1:***

(1) Access Line

***Description / Purpose:*** The definition of Access Line is changed to reflect the language inserted into OAC 165:59-3-64(c) that clarified that the facilities utilized to provide Primary Universal Service can include the end user loop component and functionality which allows access to the Internet, including access to combined consumer voice and Broadband Internet Service. It is believed such a change properly recognizes the reality of today’s network architectures and avoids any unintended and ultimately inefficient requirement that Primary Universal Service be delivered over a different and separate network from one that also provides access to Broadband Internet Service.

***Request for Comment:***

1. Does this proposed language accurately capture the changes adopted in RM 201800019 for OAC 165:59-3-64(c)? If not, please describe all deviations.
2. Is there any reason the statutory language should not be adjusted to clarify the manner in which Primary Universal Service is delivered? If so, please describe such reasons.

***Change No. 2:***

(4) Broadband Internet Service

***Description / Purpose:*** This introduces a new definition and is intended to replace the definition for “High speed Internet access service” or “broadband service” found in the current statutory language at 17 O.S. § 139.102(19). As the same definition is maintained, this is a renaming of this service to be more consistent with today’s terminology.

***Request for Comment:***

1. Should this definition continue to reflect services with a downstream / upstream speed of 150/150 kbps as Broadband Internet Service? If so, please explain the basis, particularly how this speed relates to the FCC’s requirements, for purposes of federal high cost support, to deliver 10 Mbps downstream and 1 Mbps upstream and / or 25 Mbps downstream and 3 Mbps upstream.
2. If the downstream/upstream speed used to define Broadband Internet Service should be changed / updated in the statute, what would be the appropriate speed to incorporate in this definition? Please provide the benefits and / or basis for any recommended change to the speed.

***Change No. 3:***

(5) Carrier of Last Resort or COLR

***Description / Purpose:***This introduces a new definition. This change is intended to provide clarity for a term that is already utilized in the statute. This definition is consistent with the definition found in OAC 165:55-1-4 and OAC 165:55-13-12(a).

***Request for Comment:***

1. Is there any reason that this definition should not be added? If so, please explain.
2. Should this be defined differently? If so, please provide suggested language.

***Change No. 4:***

(13) Eligible Telecommunications Carrier or ETC

**Description / Purpose:**This introduces a new definition. This change is intended to provide clarity for a term that is already utilized in the statute. This definition is consistent with the definition found in OAC 165:55-1-4 and OAC 165:55-13-12(a).

***Request for Comment:***

1. Is there any reason that this definition should not be added? If so, please explain.
2. Should this be defined differently? If so, please provide suggested language.

***Change No. 5:***

(19) High speed Internet access service or broadband service

***Description / Purpose:***The recommendation is to strike this definition given its replacement with the definition of Broadband Internet Service proposed above.

***Request for Comment:***

1. Is there any reason this definition should not be stricken? If so, please explain, particularly how rejection of this proposal would impact the proposed addition of the definition of Broadband Internet Service.

***Change No. 6:***

(27) Internet Protocol-enable Service or IP-enabled Service

***Description / Purpose:***This introduces a new definition. This terminology is being introduced for use in 17 O.S. § 139.110 to add additional clarity in identifying those services for which the Commission shall not, by entering any order, adopting any rule, or otherwise taking any agency action, impose any regulation.

***Request for Comment:***

1. Is there any reason that this definition should not be added? If so, please explain.
2. Should this be defined differently? If so, please provide suggested language.

***Change No. 7:***

(28) Interconnected Voice over Internet Protocol or VoIP

***Description / Purpose:***This introduces a new definition. Further, this definition is consistent with the definition at 47 C.F.R. § 9.3. This terminology is being introduced for use in 17 O.S. § 139.110 to identify this sub-set of IP-enable Service and specify the treatment of VoIP by the Commission in certain circumstances.

***Request for Comment:***

1. Is there any reason that this definition should not be added? If so, please explain.
2. Should this be defined differently? If so, please provide suggested language.

***Change No. 8:***

(39) Primary Universal Service

***Description / Purpose:***These edits add language to clarify that Eligible Local Exchange Telecommunications Service Providers are the entities that provide Primary Universal Service in accordance with 17 O.S. § 139.106. Further, access to Lifeline service has been added to the list of functions and services that are to be available in conjunction with Primary Universal Service. Language has also been added to provide the Commission with the flexibility to identify specific other capabilities to be included in Primary Universal Service. Finally, in recognition of the changes to the networks used to provide telecommunications services, the reference to DTMF signaling has been modified to provide for alternative, equivalent functionality. Also in recognition of the current nature of networks, the term “dial tone” has been deleted.

***Request for Comment:***

1. Is the addition of Lifeline service appropriate? If not, please explain.
2. Does the specification that Primary Universal Service is provided by Eligible Local Exchange Telecommunications Service Providers improve the definition?
3. If the addition of Lifeline service is appropriate, should the definition be adjusted further to indicate that the providers of Primary Universal Service would be Eligible Local Exchange Telecommunications Service Providers with Eligible Telecommunications Carrier (ETC) designation?
4. Should the Commission have the flexibility to specify other capabilities to be included in Primary Universal Service? If not, please explain.

***Change No. 9:***

(42) Public Switched Network

***Description / Purpose:***It is being proposed to add this definition as the statute currently makes reference to the public switched network (e.g., Access Line definition). The language is consistent with the federal definition found at 47 C.F.R. § 20.3. It is believed this adds necessary clarity.

***Request for Comment:***

1. Is there any reason this definition should not be added? Please explain.

***Change No. 10:***

(52) Wire Center

***Description / Purpose:*** This alters an existing definition. This change is intended to more accurately define this term in the context of the federal CFR.

***Request for Comment:***

1. Is there any reason that this definition should not be modified? If so, please explain.
2. Should this be modified differently? If so, please provide suggested language.
3. **Description of Proposed Changes – Section 139.103** (attached hereto as *Attachment B*)

The proposal is to delete language in this section that is either no longer applicable or references dates and deadlines that have passed, or both. Other than some typographical changes, there are no additions being proposed for this section.

***Request for Comment:***

1. Are any of these proposed changes concerning? If so, please identify which are of concern and describe any additional factors that should be considered.
2. **Description of Proposed Changes – Section 139.105** (attached hereto as *Attachment C*)

Many of the changes in this section are to harmonize the Oklahoma Lifeline program with the federal Lifeline program. Having the program consistent with the federal requirements simplifies the enforcement / auditing process, particularly since the federal rules have changed and no longer allow state defined eligibility programs to establish eligibility for federal Lifeline support (state defined eligibility programs can only establish eligibility for the state Lifeline fund).

In general the changes to this section add and or alter language to make clear who can provide Lifeline services in Oklahoma, conform Lifeline eligibility requirements with the federal requirements, clarify how any OLF support is to be applied to a consumer’s bill, and add language that recognizes the role of the National Verifier in eligibility determination and proper procedures in advance of the National Verifier becoming available. Language is also added to recognize the federal rules with regard to the definition of households and associated Lifeline limitations.

Finally, there is language added to increase the amount of support to be provided by the Oklahoma Lifeline Fund. The proposal is to increase the current $0.02 per subscriber per month support amount to $10.00 per subscriber per month on non-Tribal lands and Tribal lands that are not eligible for the federal enhanced support. For Tribal lands that are eligible for the federal enhanced support, the OLF support amount would be $1.00 per subscriber per month.

The substantive proposed changes, those changes that involve more that typographical changes (e.g., capitalization of definitions), are described as follows:

***Change No. 1:***

17 O.S. § 139.105(A)

***Description / Purpose:***This language proposes to require carriers that are designated as ETCs in Oklahoma, to participate in the Oklahoma Lifeline Fund. It is believed that such participation would enhance the Commission’s ability to monitor, review and take corrective action in those instances where ETCs are not in compliance with Oklahoma and / or federal Lifeline requirements.

Language is also altered in this section to reflect that today’s Lifeline support amount is a fixed amount that is to offset the retail rates that would otherwise be charged to the Lifeline subscriber. The reference to a waiver of the End User Common Line Charge is antiquated and no longer applicable. Cites to the federal rules on qualification and eligibility for Lifeline are updated to reflect current rules.

Lastly, the existing qualifying programs are deleted and replaced with the programs for qualification found in the federal rules. This is necessary as the federal rules, which formerly allowed states to identify their own income based programs, now specify all programs that are acceptable for qualifying for Lifeline.

***Request for Comment:***

1. Are there any barriers, legal or otherwise, to the concept of requiring ETCs in Oklahoma to participate in the Oklahoma Lifeline Program? If so, please describe to include appropriate cites if legal barriers are identified.
2. Is there any reason the statutory language should not be adjusted to clarify the manner in which Primary Universal Service is delivered? If so, please describe such reasons.

***Change No. 2:***

17 O.S. § 139.105(B)

***Description / Purpose:*** This language is adjusted to make clear that designation as an ETC is required in order to receive Oklahoma Lifeline Fund support. Additional language has been added to make clear that OLF support is applicable to both residential voice telephony as well as Broadband Internet Service. This is intended to make the state Lifeline requirements consistent with the federal rules.

***Request for Comment:***

1. Are the any concerns or issues that should be considered in adopting language harmonizing the method of applying the OLF support with the federal requirement to apply the discount to the retail rate of the supported services? If so, please explain.
2. Are there any concerns or issues that should be considered in adopting language harmonizing the services support by the OLF with the federal supported services? If so, please explain.

***Change No. 3:***

17 O.S. § 139.105(D)

***Description / Purpose:***This language is amended to specify how the retail rates are to be reduced based on the receipt of OLF support and that the OLF support is to apply after the application of the federal Lifeline support. The language is also intended to clarify that the amount of OLF support cannot be greater than the remaining retail rate (after application of the federal discount)

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting language clarifying the acceptable methodology for applying the OLF discount? If so, please explain.

***Change No. 4:***

17 O.S. § 139.105(F)(4)

***Description / Purpose:*** This language is intended to modify the requirement to obtain the customer’s primary residential address rather than the current requirement to collect the customer’s billing address. This makes the requirement consistent with the federal requirements.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in changing the address to be obtained to the primary residential address? If so, please explain.

***Change No. 5:***

17 O.S. § 139.105(F)(5)

***Description / Purpose:***This new language specifies the eligibility documentation retention requirements, which are consistent with the federal requirements.

***Request for Comment:***

A. Are there any concerns or issues that should be considered in requiring eligibility documentation retention in this manner? If so, please explain.

***Change No. 6:***

17 O.S. § 139.105(G)(6)

***Description / Purpose:*** This language is amended to reflect the requirement that the Lifeline benefit will be provided to only one eligible household and that the ETC is responsible for verifying that there are not multiple benefits being paid to a single household. The language also adopts the FCC’s definition of a household and the documentation required to ensure the one per household rule is being followed.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting a definition of household and the FCC’s documentation requirements to ensure OLF benefits are limited to one per household? If so, please explain.

***Change No. 7:***

17 O.S. § 139.105(I)

***Description / Purpose:***This language is added to reflect that the requirement for initial and annual verification of eligibility will, at some point in the future, be the responsibility of the National Verifier. Until that time, the verification remains the responsibility of the ETC. Please note that the current statute has two subsections denoted as “(I).” The second subsection (I) is proposed to be changed to (J)

***Request for Comment:***

1. Are there any concerns or issues that should be considered in including language recognizing that the National Verifier will, at some point, be responsible for the verification function. If so, please explain.

***Change No. 8:***

17 O.S. § 139.105(J) (proposed to be re-designated as (K))

***Description / Purpose:***Given the current appearance of two subsections (I) and the proposal to change to the second one to (J), as referenced above, means this section should be changed to 17 O.S. § 139.105(K).

Substantively, it is proposed to modify this language to move the OLF support from the current $0.02 per month per Lifeline subscriber to $10.00 per month per Lifeline subscriber residing on non-Tribal areas and federally designated Tribal lands that are not eligible for the federal enhanced support, to the extent any such Tribal lands exist. For those Lifeline subscribers residing on Tribal lands that are eligible for the federal enhanced support, the amount of OLF support would be limited to $1.00 per month per Lifeline subscriber. This increase in OLF support is proposed as federal actions have decreased and will continue to decrease the amount of federal Lifeline support or, in the alternative, increase the cost to provide the minimum level of Lifeline service, available to eligible Oklahomans.

Additionally, the new requirement in this section that all ETCs, most of which participate in the federal fund only, are to participate in the OLF will create additional administrative expenses for the ETCs.

***Request for Comment:***

1. Are the proposed increases in OLF support reasonable? If not, please explain. Are there alternative amounts that would be more reasonable?
2. Should the current level of support be maintained? If so, please identify the benefits of maintaining the status quo.
3. Are there any anticipated changes to federal low-income rules that will result in increased federal Lifeline support or reductions in the cost to provide Lifeline services? Please describe all such changes.
4. **Description of Proposed Changes – Section 139.106** (attached hereto as *Attachment D*)

The proposed changes in this section are intended to facilitate discussion and consideration of fundamental changes to the way in which OUSF support for Primary Universal Services are to be made available.

One such change is the proposal to eliminate the existing 17 O.S. § 139.106(K) which currently prohibits any type of rate case or earnings investigation by the Commission (or the Administrator) in considering requests under this subsection. The proposed changes provide that the events that trigger 17 O.S. § 139.106(K) will become subject to an earnings investigation for a determination that such requests are reasonable and in the public interest. The changes also recognize that there is a subset of these types of requests, specifically related to infrastructure expenditures and costs associated with required, adds, moves or additions of facilities that should continue to be subject to a thorough detailed cost review.

Another change is the inclusion of language which would introduce the option to seek OUSF support based on a total company review (consideration of regulated costs, revenues and expenses for the regulated company regardless of jurisdictional classifications).

***Change No. 1:***

17 O.S. § 139.106(A)

***Description / Purpose:*** In addition to the administrative changes to reflect capitalizations for defined terms, language is added to clarify that the OUSF provides funding to 1) Eligible Local Exchange Telecommunications Service Providers for Primary Universal Services pursuant to 17 O.S. § 139.106; 2) Eligible Telecommunications Carriers pursuant to 17 O.S. § 139.105 (i.e., Lifeline); and 3) Eligible Providers pursuant to 17 O.S. § 139.109.1 (i.e., Special Universal Services). This language also establishes January 31, 2021 as the deadline for the Commission to promulgate rules implementing the changes to the OUSF being proposed by the language in this Section.

***Request for Comment:***

* 1. Does this proposed language fail to add clarity or could it be amended differently? Please describe any perceived failures or provide any alternative language that would better impart this clarity.
	2. Is there any reason the statutory language should not be adjusted to clarify the entities, as they are defined in the statute, that are eligible for support under the three OUSF mechanisms? If so, please describe such reasons.
1. Is January 31, 2021 a reasonable deadline for the Commission to promulgate rules to implement the proposed changes to the OUSF? If not, please explain and provide an alternative date for consideration.

***Change No. 2:***

17 O.S. § 139.106(B)

***Description / Purpose:*** This language, in addition to adding similar clarifying language as in 17 O.S. § 139.106(A) above regarding which defined entities are eligible for funding under the three mechanisms that make up the OUSF, recognizes the importance of minimizing regulatory uncertainty with regard to OUSF support for Primary Universal Services. Further, the language limits the applicability of the OUSF support for Primary Universal Services to Eligible Local Exchange Telecommunications Service Providers that also have Carrier of Last Resort Obligations.

***Request for Comment:***

1. Is this language adequate to minimize regulatory uncertainty? Is there additional or alternative language that would better meet this goal? Please explain and provide any suggested language.
2. Is it appropriate to limit the availability of OUSF support for Primary Universal Services to those entities with COLR obligations? If not, please describe and identify any shortcomings of such a limitation.

***Change No. 3:***

17 O.S. § 139.106(C) [EXISTING]

***Description / Purpose:*** The proposal is to delete this introductory language as the OUSF funding methodology is found at 17 O.S. § 139.107.

***Request for Comment:***

1. Is there any reason this language needs to remain in this section? Please explain.

***Change No. 4:***

17 O.S. § 139.106(D)(1) to be changed to 17 O.S. § 139.106(C)(1)

***Description / Purpose:*** Due to the proposal to strike the existing 17 O.S. § 139.106(C), this subsection would be re-designated as “(C)(1).” Additionally, the language sets up the introduction of subparts (C)(1)(a) through (C)(1)(d) which will establish separate descriptions of the timing to process requests for OUSF funding for each of the request types (i.e., for OLF funding under Section 139.105; for Special Universal Service funding under Section 139.109.1 and for Primary Universal Service funding under Sections 139.106(F) and (J)).

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 5:***

17 O.S. § 139.106(C)(1)(a)

***Description / Purpose:*** This new language specifies that requests for OLF funding will be processed (to include the Administrator issuing a determination) within ninety (90) days of receipt of the request.

***Request for Comment:***

1. Are there any concerns or issues with creating this specific timing for processing requests for OLF funding? If so, please explain.
2. Are there any concerns or issues with the use of the ninety (90) day processing time? If so, please explain and, if a different time is proposes, please identify the benefits of the alternative processing time.
3. Given the nature of Lifeline service, should there be language specifically allowing the Administrator’s determination to specify the treatment of ongoing monthly requests for support as the number of Lifeline subscribers changes? If so, please provide proposed language.

***Change No. 6:***

17 O.S. § 139.106(C)(1)(b)

***Description / Purpose:*** This new language specifies that requests for OUSF funding for Special Universal Services will be processed (to include the Administrator issuing a determination) within ninety (90) days.

***Request for Comment:***

1. Are there any concerns or issues with separately identifying this ninety (90) day processing time for requests for support for Special Universal Services?

***Change No. 7:***

17 O.S. § 139.106(C)(1)(c)

***Description / Purpose:*** This language, which consists of both new and amended language, establishes the time for processing requests for Primary Universal Services funding. Additionally, the proposed language changes the current ninety (90) day processing time for these requests to one hundred and twenty (120) days. This change is intended to ensure adequate time for the review process that is required in these cases. Further, a mechanism is added to make any payments made, due to a failure by the Administrator to issue a determination with in the specified time frame, to be interim in nature subject to refund with interest for the first ninety (90) days.

***Request for Comment:***

1. Is a processing time of one hundred and twenty (120) days for these types of cases unreasonable? If so, please explain and support any alternative processing time suggested.
2. Are there problems to be considered with regard to establishing an interim payment mechanism (applicable only when the Administrator fails to issue a determination within the one hundred and twenty (120) day time line) to include possible refund with interest, particularly problems or issues that outweigh the benefit to the OUSF of ensuring that awarded funding is based on a thorough and complete review? If so, please describe, particularly any burdens that could be created for the applicants and / or their customers or contributors to the OUSF.

***Change No. 8:***

17 O.S. § 139.106(C)(1)(d) (language currently at § 139.106(D)(3))

***Description / Purpose:*** In addition to the administrative change from a reference to “Section 6” to a cite to the specific statutory section that is specific to requests for OUSF support for the provision of Special Universal Services, the first sentence is modified to reflect that this section specifically addresses requests for funding in cases where a “pre”- approval funding letter has been issued. The current language does not make clear that the described process involves a pre-approval funding letter.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 9:***

17 O.S. § 139.106(C)(3) (language currently at § 139.106(D)(5))

***Description / Purpose:*** The intention is to introduce language that identifies the determination reconsideration process for each type of request (i.e., OLF requests, Special Universal Service requests, and Primary Universal Service requests). The actual process that addresses the situation where there is no a Final Order after 30 days of the filing of a request for reconsideration as well as after 120 days of filing, remains the same for all three types of requests for funding. It is believed this adds clarity to the statute.

The processes for each request type are indicated in the new subparagraphs § 139.106(C)(3) a, b, and c.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language and / or structure? If so, please explain.

***Change No. 10:***

17 O.S. § 139.106(F)(1) (language currently at § 139.106(G))

***Description / Purpose:*** This language re-designates the former § 139.106(G) as § 139.106(F)(1). While this paragraph continues to introduce the availability of OUSF support for Eligible Local Exchange Telecommunications Service Providers in order to maintain reasonable and affordable rates for Primary Universal Services, new language is introduced that would allow such funding to be limited to Eligible Local Exchange Telecommunications Service Providers with Carrier of Last Resort (“COLR”) obligations as well as limiting such funding to areas lacking unsubsidized Primary Universal Services. Language is also added to allow for a challenge process as to the presence of unsubsidized Primary Universal Services.

***Request for Comment:***

1. Is it appropriate to limit the availability of OUSF support for Primary Universal Services to those Eligible Local Exchange Telecommunications Service Providers with COLR obligations? If not, identify any problems with such a limitation.
2. Are there consumer benefits to be realized by having OUSF support for Primary Universal Services available to all Eligible Local Exchange Telecommunications Service Providers?
3. What metric(s) would be appropriate to accurately determine whether or not there are Primary Universal Services available in a particular geographic area? Please include details of how such metrics would be developed, relevant data needed and how such data would be collected.
4. How should a geographic area be defined for consideration of the presence of an unsubsidized provider of Primary Universal Services? What are the benefits of any particular geographic definition, particularly relative to ease of identification, granularity, and resources required?
5. What documentation or other proof should be required to establish that Primary Universal Service is either available or not available from an unsubsidized Eligible Local Exchange Telecommunications Service Provider?
6. How should the challenge process work? Should the Administrator review and rule on any such challenges? Should such challenges be subject to exceptions and be reviewed by the Commission?
7. What negative and/or positive outcomes could result from an Incumbent Local Exchange Telecommunications Service Provider being allowed to elect to relinquish its COLR obligations for areas in which unsubsidized Primary Universal Service is available?

***Change No. 11:***

17 O.S. § 139.106(F)(1)(a) (language currently at § 139.106(G)(1))

***Description / Purpose:*** Language is added to include intrastate regulated revenues as a source of revenues that would be considered when reviewing investments and expenses associated with a request for Primary Universal Service funding. Language is also added to provide a reference to 139.106(G)(1(d) which provides for an optional total company review.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 12:***

17 O.S. § 139.106(F)(1)(d) (language currently at § 139.106(G)(4))

***Description / Purpose:*** This language is intended to clarify that this funding option involves reimbursement for credits given in conjunction with the provision of Special Universal Services and provides a more specific cite to the statutory section governing Special Universal Services.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 13:***

17 O.S. § 139.106(G)(5) (current language)

***Description / Purpose:*** The proposal is to delete this subparagraph as 17 O.S. § 139.107(B) already addresses recovery of costs of administration. There is also a proposed edit to 17 O.S. § 139.107(B) that captures this concept.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 14:***

17 O.S. § 139.106(F)(1)(e) (new language)

***Description / Purpose:*** The intent of this new language is to include requests for reimbursement for the impact of orders, rules or policies of the FCC that impact intrastate costs or revenues within the list of circumstances for which OUSF support can be requested in conjunction with the provision of Primary Universal Services. This change is necessitated due to a companion change proposed for 17 O.S. § 139.106(K) in which the existing subsection K is proposed to be repealed. In combination, these changes will not eliminate the consideration of the impacts of FCC orders, rules or policies but will require such impacts be subject to an earnings investigation and determination of an under-earning status.

***Request for Comment:***

1. Does this language accurately transfer those circumstances associated with FCC activity currently addressed in 17 O.S. §139.106(K)(1)(a)?
2. What impacts could this change have on Eligible Local Exchange Telecommunications Service Providers that experience changes based on FCC’s rules, orders or policies? The customers they serve?
3. What problems or concerns exist with adopting the proposal to limit consideration of the impact of FCC rules, orders or policies on intrastate costs or revenues for purposes of OUSF support for Primary Universal Services? Please identify examples of FCC orders, rules or policies that would impact interstate revenues only.
4. To the extent there are instances where the impact would be limited to interstate costs or revenues, how do those instances impact the ability of an Eligible Local Exchange Telecommunications Service Provider to provide Primary Universal Services?

***Change No. 15:***

17 O.S. § 139.106(F)(1)(f) (new language)

***Description / Purpose:*** The intent of this new language is to include requests for reimbursement for the impact of orders, rules or policies of any required changes in federal or state regulatory rules, orders, or policies or federal or state law that impact intrastate costs or revenues within the list of circumstances for which OUSF support can be requested in conjunction with the provision of Primary Universal Services. This change is necessitated due to a companion change proposed for 17 O.S. § 139.106(K) in which the existing subsection K is proposed to be repealed. In combination, these changes will not eliminate the consideration of the impacts of FCC orders, rules or policies but will require such impacts be subject to an earnings investigation and determination of an under-earning status.

***Request for Comment:***

1. Does this language accurately transfer those circumstances associated with state or federal regulatory or federal or state law activity currently addressed in 17 O.S. §139.106(K)(1)(b)?
2. What impacts could this change have on Eligible Local Exchange Telecommunications Service Providers that experience changes based on state or federal regulatory rules, orders or policies or federal or state law? The customers they serve?
3. What problems or concerns exist with adopting the proposal to limit consideration of the impact of federal or state regulatory rules, orders or policies or federal or state law on intrastate costs or revenues for purposes of OUSF support for Primary Universal Services? Please identify examples of state or federal orders, rules or policies or federal or state law that would impact interstate revenues only.
4. To the extent there are instances where the impact would be limited to interstate costs or revenues, how do those instances impact the ability of an Eligible Local Exchange Telecommunications Service Provider to provide Primary Universal Services?

***Change No. 16:***

17 O.S. § 139.106(F)(2) (new language)

***Description / Purpose:*** The intent of this new language is to capture the current requirement found at 17 O.S. § 139.106(K)(1)(c) wherein a reduction in costs, as a result of a federal or state regulatory rule, order, or policy or by federal or state law, can result in the reduction in the amount of OUSF funding if necessary to maintain an approved earnings level.

***Request for Comment:***

1. Does this language accurately transfer those circumstances associated with FCC activity currently addressed in 17 O.S. §139.106(K)(1)(c)?
2. What impacts could this change have on Eligible Local Exchange Telecommunications Service Providers that experience changes based on state or federal regulatory rules, orders or policies or federal or state law? The customers they serve?
3. What problems or concerns exist with adopting the proposal to limit consideration of the impact of federal or state regulatory rules, orders or policies or federal or state law on intrastate costs or revenues for purposes of OUSF support for Primary Universal Services? Please identify examples of state or federal orders, rules or policies or federal or state law that would impact interstate revenues only.
4. To the extent there are instances where the impact would be limited to interstate costs or revenues, how do those instances impact the ability of an Eligible Local Exchange Telecommunications Service Provider to provide Primary Universal Services?

***Change No. 17:***

17 O.S. § 139.106(F)(3) (new language)

***Description / Purpose:*** The intent of this new language is to make clear that, with the exception of support for Lifeline services and reimbursement for certain required infrastructure expenditures, all funding from the OUSF will be subject to an earnings investigation and such funding is tied to reasonable and affordable local service rates and the provision of reasonably comparable services at affordable rates in rural areas as in urban areas.

***Request for Comment:***

1. What concerns or issues does this create for Eligible Local Exchange Telecommunications Service Providers that currently rely on 17 O.S. § 139.106(K), and its prohibition of any type of earnings investigation to address lost revenues associated with FCC actions or state / federal regulatory changes or changes in law?
2. To the extent such earnings investigation is limited to intrastate costs and revenues, what problems or concerns exist as to how such an earnings investigation could impact the Eligible Local Exchange Telecommunications Service Provider’s provision of Primary Universal Services.

***Change No. 18:***

17 O.S. § 139.106(F)(4) (new language)

***Description / Purpose:*** The intent of this new language is to put in place a requirement that any current OUSF funding being received for any purpose, other than Lifeline service, infrastructure expenditures (e.g., highway relocates), or Special Universal Services, would cease until such time as the impacted Eligible Local Exchange Telecommunications Service Provider choses to file an application for an earnings investigation. The language provides an extended period of time (180 days) for funding to cease in the event the impacted Eligible Local Exchange Telecommunications Service Provider applies for an earnings investigation within 30 days of the enactment of this subsection. The language also provides for an imputation process, with associated true-ups, in order for the impact of the cessation to be considered in the most recent cost study. Funding associated with the Oklahoma High Cost Fund is specifically addressed with language providing that OUSF support being received due to the abolishment of the Oklahoma High Cost Fund will cease at the end of the transition period established in the Commission’s order. It is intended that subsequent support for funding formerly received under the Oklahoma High Cost fund could be considered in an earnings investigation.

It is believed that such treatment would benefit, as well as sustain, the integrity of the OUSF with regard to its support of Primary Universal Services. There has been considerable criticism of the statute due to the lack of an earnings investigation for those applications under 17 O.S. § 139.106(K). By establishing a mechanism with which to perform an earnings investigation for specific existing OUSF funding, for those Eligible Local Exchange Telecommunications Service Providers that chose to continue such OUSF funding, the Administrator, the Commission and the public can be assured that the OUSF funding being provided is necessary for the provision of Primary Universal Service.

***Request for Comment:***

1. What concerns or issues does this create for Eligible Local Exchange Telecommunications Service Providers that currently rely on OUSF funding, other than for infrastructure reimbursements, under 17 O.S. § 139.106(K)?
2. If this language is adopted, does the imputation and true up mechanism adequately provide for timely consideration of applications under this subsection? Are there other mechanisms that would be more effective or required in addition?
3. What impact(s) could this proposed change have on the customers being served by the impacted Eligible Local Exchange Telecommunications Service Provider?

***Change No. 19:***

17 O.S. § 139.106(G)(1) (currently § 139.106(H))

***Description / Purpose:*** This subsection is being modified to make clear that an earnings investigation is to be performed and will consider the costs and revenues associated with the provision of Primary Universal Service. The current introductory language to the alternative methods available for an Eligible Local Exchange Telecommunications Service Provider to demonstrate its costs and revenues is maintained.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 20:***

17 O.S. § 139.106(G)(1)(a) (currently § 139.106(H)(1))

***Description / Purpose:*** The proposed modification to this subsection, in addition to its designation being changed to (a) from (1), is simply typographical in nature. This paragraph continues to provide for the use of a fully distributed allocation of embedded costs and revenue using fully distributed FCC parts 32, 36 and 64, to the extent they are applicable.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 21:***

17 O.S. § 139.106(G)(1)(b) (currently § 139.106(H)(2))

***Description / Purpose:*** The proposed modification to this subsection, in addition to its designation being changed to (b) from (2), is simply typographical in nature. This paragraph continues to provide for the use of an adopted cost study approved by the Commission.

***Request for Comment:***

A. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 22:***

17 O.S. § 139.106(G)(1)(c) (currently § 139.106(H)(3))

***Description / Purpose:*** The proposed modification to this subsection, in addition to its designation being changed to (c) from (3), is simply typographical in nature. This paragraph continues to provide for the use of an alternative costing or measurement method established by the FCC.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 23:***

17 O.S. § 139.106(G)(1)(d) (new language)

***Description / Purpose:***This language proposes to allow for a “total company” review as one option an Eligible Local Exchange Telecommunications Service Provider could utilize to identify its embedded investments and expenses for purposes of seeking OUSF support for the provision of Primary Universal Services. Such a method would remove the jurisdictional limitation (i.e., intrastate) on consideration of costs, investments and revenues.

***Request for Comment:***

1. What benefits would the availability of this “total company” methodology provide? For instance, are there situations where a “total company” review for consideration of reductions in revenue or increases in costs based on changes in federal rules, orders, or policy or laws would provide a more accurate or reasonable result in the determination of OUSF funding for Primary Universal Service?
2. What problems could result from the acceptance of a “total company” review methodology?
3. Are there additional items or issues that should be considered in implementing a “total company” review? Please identify any specific language that would be necessary to address any such items or issues.

***Change No. 24:***

17 O.S. § 139.106(G)(2) (new language)

***Description / Purpose:*** This language provides an introduction to subparagraphs that comprise a non-exhaustive list of investments and expenses for which the Administrator, or the Commission, on reconsideration, could make a determination of reasonableness.

***Request for Comment:***

A. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 25:***

17 O.S. § 139.106(G)(2)(a)(i) through (vii) (new language)

***Description / Purpose:*** The language in this subparagraph identifies eight specific areas of investment and expenses for which the reasonableness standard would apply; 1) affiliate transactions; 2) employee compensation; 3) investment in network; 4) investment in operations; 5) operational expenses; 6) legal / regulatory expenses; 7) marketing and community outreach expenses; and 8) depreciation expense. The language also makes clear that this is not an exhaustive list of investments or expenses for which a determination of reasonableness could be undertaken.

***Request for Comment:***

1. Are there any reasons that these identified areas should not be subject to review for reasonableness? If there are certain circumstances in which reasonableness in a particular area would not be appropriate, please identify all such circumstances.
2. Are there additional areas that should be specifically identified as subject to a determination of reasonableness? Please identify all such areas.

***Change No. 26:***

17 O.S. § 139.106(G)(2)(b)(i) through (ii) (new language)

***Description / Purpose:*** The language in this subparagraph identifies two sources of revenue that, in certain circumstances, may be imputed to a company seeking OUSF support for Primary Universal Service. These two areas are; 1) retail rates below the FCC’s last rate floor benchmark or any standard Oklahoma rate floor that might be established; and 2) failure to secure funding from reasonably available state or federal funding sources that are for the provision of universal service.

***Request for Comment:***

1. Are there any reasons that these identified areas should not be subject to imputation? If there are certain circumstances in which imputation would not be appropriate, please identify all such circumstances.
2. Are there additional revenues that should be subject to imputation? Please identify all such revenues.

***Change No. 27:***

17 O.S. § 139.106(H) (currently § 139.106(I))

***Description / Purpose:***The proposed modifications to this subsection, in addition to its designation being changed to (H) from (I), are generally typographical in nature. Language is added to except the “total company” review introduced in Subsection G(1)(d) of this Section.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 28:***

17 O.S. § 139.106(J)(1) through (i)(3) (new language)

***Description / Purpose:***The purpose of the proposed modifications to this subsection are to establish a process under which requests for OUSF funding for Primary Universal Service in conjunction with the addition, move or change of Facilities pursuant to F(1)(b) are to be considered. This section does the following; 1) identifies in (J)(1)(a) through (f), the information that must be shown in order for a request for OUSF support to be approved; 2) clarifies in (J)(2) that a determination will be made as to an applicant’s compliance with (J)(1)(a) through (f) and identifies the timelines for making a determination with regard to such a request and any subsequent reconsiderations; and 3) specifies that any deficiencies in (J)(1)(a) – (f) will be identified in any determination and may include adjusting the reimbursement amount based on such deficiencies.

Generally this language, as well as the language in the entirety of this subsection, is intended to recognize that Facility adds, move and/or changes can be exempt from an earnings review process and, instead, can be reviewed to ensure the request is associated with a governmental mandate and the costs to be reimbursed are properly supported and documented. These would be the same Facilities adds, moves or changes that are currently addressed under 17 O.S. § 139.106(K), which, again, is proposed to be repealed.

***Request for Comment:***

1. Are there any other factors that should be identified for consideration in the review of OUSF funding requests for Facility adds, moves and/or changes?
2. Are there any concerns or issues with the factors that are identified in the proposed language?
3. Is this proposed process more or less limiting than the current treatment of funding requests for Facility adds, moves and/or changes under 17 O.S. § 139.106(K)? More or less burdensome? Please explain.

***Change No. 29:***

17 O.S. § 139.106(K) (REPEAL)

***Description / Purpose:*** As indicated elsewhere, the proposal is to repeal 17 O.S. § 139.106(K) in its entirety. If this proposal is adopted, requests for OUSF funding for Primary Universal Service will be treated in accordance with the applicable processes and procedures specified in the revised version of 17 O.S. §§ 139.106(C)(1)(c), (C)(4)(c), (F), (G), (H) and (J).

***Request for Comment:***

1. Notwithstanding the revised review standard, are there any circumstances for which 17 O.S. § 139.106(K) currently allows for OUSF funding that, if repealed, would not be accommodated under one of the remaining revised sections of 17 O.S. 106?
2. Would the proposed repeal of § 139.106(K) create any negative impacts on consumers? Please explain and, if possible, quantify.
3. To the extent there are negative impacts on consumers, please explain how the revised §§ 139.106(C)(1)(c), (C)(4)(c), (F), (G), (H) and (J) are not sufficient to mitigate any such negative consumer impacts.
4. Are there events other than Facility adds, moves and/or changes that are currently addressed under § 139.106(K) that should be considered via a specific review process that does not involve an earnings investigation? If so, please identify and explain how an earnings investigation would not be appropriate, effective, and/or efficient in each such case.

***Change No. 30:***

17 O.S. § 139.106(L) (REPEALED)

***Description / Purpose:*** It is proposed to repeal this subparagraph as the timing for issuing a determination for a request for OUSF funding for Primary Universal Service is found at 17 O.S. § 139.106(C)(4).

***Request for Comment:***

1. Are there any concerns or issues that should be considered in repealing this subparagraph? If so, please explain.

***Change No. 31:***

17 O.S. § 139.106(N)(1)(a) (edits to existing paragraph)

***Description / Purpose:*** Language is proposed to be added to require that, in order for an alternative Local Exchange Telecommunications Service Provider to be designated as eligible for OUSF funding for Primary Universal Service, such Local Exchange Telecommunications Service Provider must be designated as an Eligible Telecommunications Carrier (“ETC”). This would put the other Local Exchange Telecommunications Service Provider on the same footing as the Incumbent.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 32:***

17 O.S. § 139.106(N)(1)(e) (edits to existing paragraph)

***Description / Purpose:*** Language is proposed to be added to require that specifically indicates that the public interest analysis when considering the designation of other Local Exchange Telecommunications Service Providers as eligible for Primary Universal Service OUSF funding, will include consideration of whether or not the other Local Exchange Telecommunications Service Provider has a COLR obligation in the area in which funding is being requested. It is also proposed to add language that allows consideration of whether or not Primary Universal Service is already available from a qualified provider in the area being requested.

***Request for Comment:***

1. What benefits would there be in considering, as part of the public interest analysis, whether or not an alternative provider seeking to be eligible for OUSF funding for Primary Universal Services has a Carrier of Last Resort obligation where it is requesting to be deemed eligible? What detriments?
2. Should a review of the public interest for such eligibility include consideration of the current availability of Primary Universal Services in the area for which eligibility is requested? If not, please explain.
3. In considering the current availability of Primary Universal Services in a particular area, what documentation / information should be reviewed (e.g., tariffs, websites, surveys, etc.)?
4. Would consideration of the current availability of Primary Universal Services be more efficient if the challenge process were such that detailed proof of the *existence* of Primary Universal Service from a qualified provider were required.
5. Should language be added that specifically prohibits the grant of eligibility to another Local Exchange Telecommunications Service Provider if the Incumbent Local Exchange Telecommunications Service Provider has not relinquished its eligibility?

***Change No. 33:***

17 O.S. § 139.106(N)(2) (edits to existing paragraph)

***Description / Purpose:*** Language is proposed to be added to clarify that a commercial mobile radio service (CMRS) provider can be eligible, after notice and hearing, to seek reimbursement from the OUSF for supported services consistent with § 139.106 without being designated as an Eligible Local Exchange Telecommunications Service Provider. However, such a CMRS provider would need to be designated as an Eligible Telecommunications Carrier for such eligibility. Language is also added to clarify that it is Eligible Telecommunications Carriers that are eligible for OUSF support for the provision of Lifeline service, and Eligible Providers or CMRS providers may seek reimbursement from the OUSF for the provision of Special Universal Services.

***Request for Comment:***

1. What problems, if any, would be created by requiring a CMRS provider to have ETC designation in order to be eligible for OUSF funding pursuant to § 139.106?
2. Are there any reasons a CMRS provider should not be eligible at all for OUSF funding pursuant to § 139.106? Please explain.

***Change No. 34:***

17 O.S. § 139.106(O) (edits to existing paragraph)

***Description / Purpose:*** This proposed language is intended to make clear that an existing Local Exchange Telecommunications Service Providers can choose to relinquish their eligibility to received OUSF support pursuant to § 139.106 and ETC designation when there is another eligible Local Exchange Telecommunications Service Provider with COLR obligations with eligibility to receive OUSF support pursuant to § 139.106 in the area for which the relinquishment is requested. Language is also added to clarify that the reference to Section 214(e)(4) of the federal Telecommunications Act of 1996 is specific to relinquishment of ETC designation.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.
2. Should an existing Local Exchange Telecommunications Service Provider be able to relinquish their eligibility to receive OUSF support pursuant to § 139.106 without the presence of another eligible Local Exchange Telecommunications Service Provider with COLR obligation and, based on the proposed new language, ETC designation?

***Change No. 35:***

17 O.S. § 139.106(P)(1) (edits to existing paragraph)

***Description / Purpose:*** These proposed edits are intended to add clarity by identifying the specific defined entity types, Eligible Providers and Eligible Telecommunications Carriers, that receive funding for Special Universal Services and Lifeline service respectively.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 36:***

17 O.S. § 139.106(P)(2) (edits to existing paragraph)

***Description / Purpose:*** These proposed edits are intended to make clear that this paragraph is specific to the situation where the Incumbent Local Exchange Telecommunications Service Provider has waived its right to be the only recipient of OUSF funding for Primary Universal Service within its local exchange territory.

***Request for Comment:***

1. Are there any concerns or issues that should be considered in adopting this language? If so, please explain.

***Change No. 37:***

17 O.S. § 139.106(P)(3) (edits to current paragraph)

***Description / Purpose:*** These proposed edits are intended to limit the designation of an alternative Local Exchange Telecommunications Service Provider to those instances where the Incumbent Local Exchange Telecommunications Service Provider has waived its right to be the only recipient of OUSF funding for the provision of Primary Universal Services. The language also requires that any such other Local Exchange Telecommunications Service Provider be an ETC and have COLR obligations.

***Request for Comment:***

1. Is it appropriate to limit the ability of another Local Exchange Telecommunications Service Provider to be granted eligibility to receive OUSF support for Primary Universal Service to those instances where the Incumbent has waived its right?
2. Is it appropriate to require another Local Exchange Telecommunications Service Provider to have ETC designation and COLR obligations in order to be considered for grant of eligibility to receive OUSF funding for the provision of Primary Universal Service?
3. **Description of Proposed Changes – Section 139.107** (attached hereto as *Attachment E*)

The proposal is to move language that is currently located at 17 O.S. § 139.106(G)(5) to this Section as it is more appropriate to include the coverage of administrative costs within the section of the statute that specifically discusses the level of funding for the OUSF.

***Change No. 1:***

17 O.S. § 139.107(B) (edits to existing section)

***Description / Purpose:*** Proposed language mirrors language elsewhere in the statute and specifies that administrative costs include an annual independent audit and that such an audit will not be performed by Commission staff.

***Request for Comment:***

1. Are any concerns or issues with moving this language from § 139.106(G)(5) to § 139.107(B)? Please explain.
2. Does the proposed language accurately reflect the language currently found at § 139.106(G)(5)? If not, what changes are necessary?
3. **Description of Proposed Changes – Section 139.110** (attached hereto as *Attachment F*)

The proposed language is intended to clarify that, even though this section currently prescribes that the Commission cannot impose regulation on high speed Internet access service, this prohibition does not currently prohibit the Commission from approving funding for Primary and Special Universal services even though those components of the OUSF involve, to varying degrees, Broadband Internet Service. Language is also amended to change the current reference to “high speed Internet access service” to “Broadband Internet Service” which is now defined in the definitions at 17 O.S. § 139.102(4). Additional language is added to specify that this section’s prohibition on the ability of the Commission to regulate Broadband Internet Service is broadened to specifically include IP-enabled Services, which includes VoIP service. Both of these terms are defined in 17 O.S. § 139.102.

Language is added to establish two exceptions to this prohibition, first it does not relate to the applicability of the OUSF assessment to VoIP providers consistent with 139.107(A) and, second, in those instances where a provider of IP-enabled Services voluntarily seeks a CCN from the Commission, in which case the Commission does have regulatory authority over such providers. Language is also added to clarify that the prohibition does not restrict the OUSF Administrator or Commission from determining the appropriateness of OUSF funding for the provision of Primary Universal Services or Special Universal Services.

***Change No. 1:***

17 O.S. § 139.110(A) (edits to existing section)

***Description / Purpose:*** Language is added to clarify exceptions to the current prohibition on the Commission’s ability to regulated high speed Internet access service. These clarifications address the Commission’s ability to approve OUSF funding for Primary and Special Universal Services which can involve the provision of Broadband Internet Service (again, this is a newly defined term). This language also makes clear that the prohibition is not applicable to the Commission’s authority as it relates to the OUSF assessment and its applicability to VoIP services.

***Request for Comment:***

1. Do these exceptions clarify current practices under the existing statute?
2. Are there other exceptions that would be appropriate? If so, please identify.
3. Do these exceptions alter the current prohibition on the Commission’s ability to regulate broadband or Internet access service generally?

***Change No. 2:***

17 O.S. § 139.110(D) (new section)

***Description / Purpose:*** This new language establishes an exception to the prohibition on the Commission’s authority to regulate IP-enable service providers, to include VoIP providers, for those instances where providers voluntarily seek a CCN from the Commission. In those cases and for those providers, the Commission will have its full regulatory authority as with any provider of telecommunications services.

The new language also recognizes that a provider of IP-enabled services that seeks a CCN for the limited purpose of providing Special Universal Services and receiving the related OUSF funding, is not voluntarily subjecting itself to regulation as a telecommunications service provider.

***Request for Comment:***

1. Should the grant of a CCN be technologically neutral?
2. Does this proposed language alter the current prohibition on the Commission’s ability to regulate broadband or Internet access service generally?
3. Is it appropriate to tie the benefit of holding a CCN to the regulatory requirements associated with a telecommunications service provider when there is a voluntary request for a CCN?

Respectfully submitted,

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