

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1432

By: Stone

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6 AS INTRODUCED

7 An Act relating to telecommunications; amending 17
8 O.S. 2011, Section 139.110, which relates to
9 regulation prohibition of high speed Internet access
10 or broadband service; providing an exception to
11 regulation prohibition; establishing certain duties
12 of Internet access service providers regarding
13 Internet access service; listing duties; directing
14 the Corporation Commission to promulgate certain
15 rules; allowing reasonable network management under
16 certain conditions; requiring Internet access service
17 providers to provide certain information to consumers
18 and the public; providing definitions; and providing
19 an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 17 O.S. 2011, Section 139.110, is
22 amended to read as follows:

23 Section 139.110 A. ~~The Oklahoma~~ Except as otherwise provided
24 for in this section, the Corporation Commission shall not, by
entering any order, adopting any rule, or otherwise taking any
agency action, impose any regulation upon a provider of high speed
Internet access service or broadband service in its provision of

1 such service, regardless of technology or medium used to provide
2 such service.

3 B. An incumbent local exchange telecommunications service
4 provider (ILEC) subject to the provisions of 47 U.S.C., Section
5 251(c) shall be required to provide unbundled access to network
6 elements, including but not limited to loops, subloops, and
7 collocation space within the facilities of the ILEC, to the extent
8 specifically required under 47 C.F.R., Section 51.319 or any
9 successor regulations issued by the Federal Communications
10 Commission.

11 C. Nothing in this section shall effect the assessment of any
12 company under Article X of the Oklahoma Constitution or Section 2801
13 et seq. of Title 68 of the Oklahoma Statutes.

14 D. With respect to any Internet access service offered to the
15 public, an Internet access service provider shall not:

16 1. Block, interfere with, discriminate against, impair or
17 degrade the ability of any person to use an Internet access service
18 to access, use, send, post, receive, or offer any lawful content,
19 application or service through the Internet;

20 2. Impose a charge on any Internet content, service or
21 application provider in order for any lawful Internet content,
22 application or service to be offered, provided, or used through the
23 Internet access service of the provider, beyond the end-user charges
24 normally associated with providing the Internet access service;

1 3. Prevent or obstruct a user from attaching any lawful device
2 to or utilizing any device in conjunction with Internet access
3 service, provided the device does not harm the network of the
4 provider;

5 4. Refuse to offer Internet access service to any person upon
6 reasonable request;

7 5. Provide or sell to any Internet content, service or
8 application provider, including any affiliate provider or joint
9 venture, any offering that prioritizes traffic over that of other
10 providers of Internet content, services or applications; and

11 6. Install or utilize network features, functions or
12 capabilities that impede or hinder compliance with this section.

13 E. Not later than ninety (90) days after the effective date of
14 this act, the Commission shall promulgate rules to ensure that
15 providers of Internet access service comply with the provisions of
16 subsection D of this section.

17 F. Nothing in this section shall be construed to prohibit an
18 Internet access service provider from engaging in reasonable network
19 management consistent with the policies and duties of
20 nondiscrimination and openness set forth in this section.

21 G. With respect to any Internet access service or private
22 transmission capacity offered to the public, each Internet access
23 service provider shall provide to consumers and make publicly
24 available detailed information about such services, including

1 information about the speed, nature and limitations of such
2 services. Each Internet access service provider shall publicly
3 disclose, at a minimum, network management practices that affect
4 communications between a user and an Internet content, service or
5 application provider in the ordinary, routine use of the broadband
6 service.

7 H. For purposes of this section:

8 1. "Internet access service" means a two-way transmission
9 offered by an Internet access service provider that transmits
10 information between two or more points and that has as its primary,
11 but not exclusive, purpose the enabling of data to be sent or
12 received from the Internet;

13 2. "Internet access service provider" means a person or entity
14 that operates or resells and controls any facility used to provide
15 an Internet access service directly to the public, whether provided
16 for a fee or for free, and whether provided via wire or radio,
17 except when the service is offered as an incidental component of a
18 noncommunications contractual relationship;

19 3. "User" means any residential or business subscriber who by
20 way of an Internet access service takes and utilizes Internet access
21 services, whether provided for a fee, in exchange for an explicit
22 benefit or for free; and

23 4. "Reasonable network management" shall be as defined by the
24 Commission through rules.

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SECTION 2. This act shall become effective November 1, 2015.

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