

FILED
FEB 10 2017

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF PERMANENT
RULEMAKING OF THE OKLAHOMA
CORPORATION COMMISSION AMENDING
OAC 165:59, OKLAHOMA UNIVERSAL
SERVICE AND OKLAHOMA LIFELINE
RULES

CAUSE NO. RM 201700006

**Initial Comments of the Oklahoma Technology Association
And
Oklahoma Public School Technology Directors**

Greg Kasbaum, Executive Director, Oklahoma Technology Association representing school districts across the State of Oklahoma and Colin Webb, Director of Technology, Noble Public Schools, representing a committee of Oklahoma public school district technology directors listed in Appendix A of this document, submits these comments concerning Emergency Rulemaking in Cause NO. RM 201700006. We appreciate the opportunity to provide input to support the goals of Special Universal Service and the intent of HB2616.

We respectfully submit the following proposed changes to proposed Permanent Rules regarding OUSF and HB2616.

165:59-3-66 Procedures for Administrative preapproval request.

(2) A Request for OUSF Preapproval may be submitted at any time by filing submitting the Request with the Commission's Court Clerk.

Rationale:

We believe that preapproval is a submission process rather than a formal filing process.

(3) The Request for OUSF Preapproval shall include, ~~but not be limited to the following:~~

Rationale:

We believe that the documentation required in statute is sufficient for the process.

(11) Any variance from the terms approved in the OUSF preapproval funding letter shall may make the previously issued OUSF preapproval funding letter null-and-void.

Rationale:

We believe that the proposed language is unnecessarily restrictive and does not accommodate minor changes that customarily occur in such processes.

Subchapter 7. Special Universal Services

165:59-7-1. Reimbursement from the OUSF for Special Universal Services

~~(b) Failure to accurately, completely, or timely request alternative funding shall result in denial of all OUSF funding.~~

Rationale:

We believe that the proposed language is unnecessarily restrictive, subjective and goes beyond the statute. HB2616 clearly states in Section 6 NEW LAW Section 139.109.1 Title 17 B 2. "The OUSF Beneficiary shall make every reasonable effort to obtain funding from another state and/or federal fund designed to support Universal Services."

(C)

~~(5) The OUSF will fund either the lowest cost reasonable qualifying bid, or a bid that is no more than 25% above the lowest cost reasonable qualifying bid, inclusive of all non-recurring eligible charges, for the eligible bandwidth range of the OUSF Beneficiary. If the selected bid is more than 25% above the lowest cost reasonable qualifying bid, the OUSF will fund the lowest cost reasonable qualifying bid plus the 25%.~~

Rationale:

There is no reason for this rule as the statute clearly specifies the credit amount. If it is to be included in the rules then the statutory language should be used. The statute states:

For Special Universal Services that are competitively bid in compliance with this act, the credit amount shall be not more than twenty-five percent (25%) greater than the lowest cost reasonable qualifying bid of the total prediscount amount of eligible services plus installation charges, less federal funding support for the same services including installation charges issued in a funding commitment letter or similar approval document for the Federal Universal Service Support Mechanism or successor program or programs for the applicable funding year.

~~(6) The OUSF Beneficiary's request for bids shall include their the requested bandwidth range, as defined by statute or Commission rules.~~

Rationale:

The statute clearly indicates that the beneficiary shall "clearly identify the bandwidth range" in the solicitation of bids. It need not be defined further by commission rules.

165:59-7-6. Telemedicine access for eligible healthcare entities

H (i)

~~(i) Failure to accurately, completely, or timely request alternative funding which results in either a reduction or no federal funding shall result in denial of all OUSF funding.~~

Rationale:

We believe that the proposed language is unnecessarily restrictive, subjective and goes beyond the statute. HB2616 clearly states in Section 6 NEW LAW Section 139.109.1 Title 17 B 2. "The OUSF Beneficiary shall make every reasonable effort to obtain funding from another state and/or federal fund designed to support Universal Services."

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

~~(b) Failure to accurately, completely, or timely request alternative funding which results in either a reduction or no federal funding shall result in denial of all OUSF funding.~~

Rationale:

We believe that the proposed language is unnecessarily restrictive, subjective and goes beyond the statute. HB2616 clearly states in Section 6 NEW LAW Section 139.109.1 Title 17 B 2. "The OUSF Beneficiary shall make every reasonable effort to obtain funding from another state and/or federal fund designed to support Universal Services."

165:59-7-19. Competitive Bidding

~~(C) The bid request shall clearly identify the bandwidth range requested by the OUSF Beneficiary, and shall include the statutory or Commission's rule defined eligible bandwidth level.~~

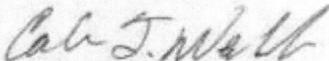
Rationale:

The bid need not contain the maximum eligible bandwidth for the Beneficiary. It is immaterial to the RFP process. The Beneficiary should state the bandwidth range sought in the bid. The appropriate mechanism to indicate the maximum eligible bandwidth for a Beneficiary is the Affidavit.

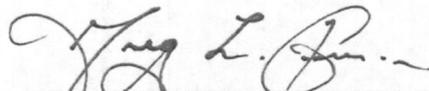
Conclusion:

We appreciate the opportunity to submit comments on behalf of Oklahoma Public Schools.

Respectfully Submitted,



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APPENDIX A:

OKLAHOMA CORPORATION COMMISSION, CAUSE NO. PUD 201700006

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Certificate of Mailing

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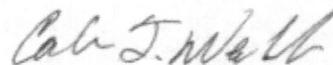
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