

**TITLE 165. CORPORATION COMMISSION
CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE AND OKLAHOMA LIFELINE**

Effective September 1, 2024

**Last Amended
The Oklahoma Register
Volume 41, Number 23
August 15, 2024 publication
Pages 1711-3126**

PLEASE NOTE: This is 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. This copy is provided as a convenience to our customers. In the event this unofficial version of the rules differs from the official version of the Oklahoma Administrative Code in any way, the official version shall control.

CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE AND LIFELINE

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. Oklahoma Lifeline Fund	165:59-9-1

[**AUTHORITY:** OKLA. CONST. art. IX, Section 18; 17 O.S. § 137.3; 17 O.S. § 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 implementing the Oklahoma Telecommunications Act of 1997, 17 O.S. § 139.101 et seq., (hereinafter referred to as the "Oklahoma Telecommunications Act"). This Chapter shall be cited as the Oklahoma Universal Service and Oklahoma Lifeline Rules.

(b) The purpose of this Chapter is to establish such rules pertaining to Primary Universal Service, Special Universal Services and Oklahoma Lifeline Service as are necessary and appropriate to implement the Oklahoma Telecommunications Act.

(c) This Chapter also establishes the procedures for administration of the Oklahoma Universal Service Fund ("OUSF") and the Oklahoma Lifeline Fund ("OLF").

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 28 Ok Reg 2256, eff 7-25-11; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

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, and the Federal Telecommunications Act of 1996. The Commission has the authority to assess a charge upon all Contributing Providers, in conformance with federal and state law to support the objectives for Oklahoma Universal Services and Oklahoma Lifeline Service.

[**Source:** Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

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 eligible local exchange telecommunications service providers, eligible providers, and contributing providers.
- (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 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-1-4. Definitions

In addition to terms defined in The Oklahoma Telecommunications Act, 17 O.S. §§ 139.101, et seq., the following words and terms, when used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise:

"Administrator" or **"OUSF Administrator"** or **"OLF Administrator"** means the same as Administrator, as defined in the Oklahoma Telecommunications Act.

"ALJ" means Administrative Law Judge.

"Assessed Revenues" means as that term is defined in 17 O.S. § 139.107(A).

"Bed" is a patient care bed or bassinets that is regularly maintained, staffed on a 24-hours basis, and immediately available for the care of patients.

"Carrier of Last Resort" means a telecommunications service provider as designated by the Commission pursuant to OAC 165:55.

"Commercial mobile radio service provider" means a carrier who provides wireless telecommunications services.

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

"FCC" means the Federal Communications Commission.

"Fund" means the OUSF and/or OLF.

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

"Interconnected Voice over Internet Protocol" or **"VoIP"** includes both fixed and nomadic versions of the service, with fixed Interconnected Voice over Internet Protocol service able to be used at only one location, and nomadic Interconnected Voice over Internet Protocol service able to be used at multiple locations. Interconnected Voice over Internet Protocol means a service that:

- (A) enables real-time, two-way voice communications;
- (B) requires a broadband connection from the user's location;
- (C) requires Internet protocol-compatible customer premises equipment; and
- (D) permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

"Internet Subscriber Fee" means any fee that is paid to a telecommunications service provider for internet service that is in addition to the access connection charge.

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

"Network" includes a telecommunications service provider's or telecommunication carrier's facilities used to originate and terminate traffic.

"Oklahoma Universal Services" means Primary Universal Service and Special Universal Services as defined in the Oklahoma Telecommunications Act.

"OneNet" means statewide Internet and technology provider operated by the Oklahoma State Regents for Higher Education for the purpose of meeting the mission critical technology needs of Oklahoma's education, research, health care and public service communities.

"Reimbursement" means remuneration from the OUSF for Primary Universal Services and 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 within which a telecommunications service provider has authority to provide telecommunications services.

"SETDA" means the State Educational Technology Directors Association.

"Special Construction Cost" is the FCC's Category One eligible charge necessary to connect Public Schools and Public Libraries to broadband networks.

"State" means the State of Oklahoma.

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

"USAC" means the Universal Services Administrative Company.

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

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 18 Ok Reg 2448, eff 7-1-01; Amended at 20 Ok Reg 2318, eff 7-15-03; Amended at 22 Ok Reg 1819, eff 7-1-05; Amended at 28 Ok Reg 2256, eff 7-25-11; Amended at 30 Ok Reg 1582, eff 7-11-13; Amended at 31 Ok Reg 1087, eff 9-12-2014; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

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, 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 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 28 Ok Reg 2258, eff 7-25-11; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

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 [REVOKED]

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 [REVOKED]

165:59-3-12. Operational requirements and processes for the OUSF [REVOKED]

165:59-3-13. Establishment of OUSF Assessment

165:59-3-14. Eligibility to receive OUSF funding

- 165:59-3-15. Relinquishment of OUSF support eligibility [REVOKED]
 165:59-3-16. Designation of eligible telecommunications carriers for unserved areas

PART 5. ADMINISTRATION OF THE OUSF

- 165:59-3-30. Administration of the Fund
 165:59-3-31. Recipients of Primary OUSF annual reporting
 165:59-3-32. Audits of the Fund
 165:59-3-33. [RESERVED]
 165:59-3-34. Resolution of disputes regarding contributions to the OUSF and OLF
 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 and charges assessed for the OUSF
 165:59-3-45. [RESERVED]
 165:59-3-46. Recovery of OUSF contributions

PART 9. REQUEST 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 [REVOKED]
 165:59-3-63. [RESERVED]
 165:59-3-64. Identifying and measuring the level of OUSF funding
 165:59-3-65. [RESERVED]
 165:59-3-66. Procedures for OUSF administrative preapproval request
 165:59-3-67. [RESERVED]
 165:59-3-68. Procedures for requesting funding from the OUSF – Special Universal Services
 165:59-3-69. [RESERVED]
 165:59-3-70. Procedures for requesting funding from the OUSF – Primary Universal Services
 165:59-3-71. [RESERVED]
 165:59-3-72. Request for reconsideration procedures
 165:59-3-73. Procedures for receiving funding for Primary OUSF after the issuance of a determination
 165:59-3-74. Procedures for receiving funding for Special OUSF after the issuance of a determination

SUBCHAPTER 3. OKLAHOMA UNIVERSAL SERVICE FUND

PART 1. OKLAHOMA UNIVERSAL SERVICES

165:59-3-1. Oklahoma Universal Services [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1901, eff 7-1- 98; Amended at 32 Ok Reg 23, eff 8-27-15; Revoked at 34 Ok Reg 5, eff 8-12-16 (emergency); Revoked at 34 Ok Reg 1011, eff 9-11-17]

PART 3. OKLAHOMA UNIVERSAL SERVICE FUND

165:59-3-10. Use of the Oklahoma Universal Service Fund

The OUSF provides financial support for demonstrated necessity or statutory entitlement. Funding may be sought as necessary to maintain rates for primary universal services that are reasonable and affordable, and for special universal services.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 40 Ok Reg 1825, eff 10-1-23]

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

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Revoked at 40 Ok Reg 1825, eff 10-1-23]

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 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Revoked at 34 Ok Reg 5, eff 8-12-16 (emergency); Revoked at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-13. Establishment of OUSF Assessment

(a) **Annual Case.** On or before January 15th of each year, the Administrator shall file a case with the Commission's Court Clerk within which to consider or adjust the OUSF Assessment, as necessary.

(b) **Periodic Status Reports.** Within the annual case filing, the Administrator shall file periodic status reports for the Commission's consideration in determining whether any adjustments to the assessment are necessary. These reports shall be filed each quarter, no later than March 31, June 30, September 30, and December 31. Should an adjustment be necessary, the Administrator shall include in the status report all information in order that the Commission may set the assessment at a level sufficient to recover costs of administration and payments for OUSF requests for funding as provided for in the Oklahoma Telecommunications Act of 1997. The Administrator shall file status reports more frequently than quarterly if the Administrator determines it necessary to change the assessment.

(c) **Information to include in status reports.** In the status report, the Administrator shall provide a written narrative describing how the recommended assessment was determined. The Administrator's report shall include information regarding known and measurable demands on the OUSF, reasonable estimates of future demand, estimated future contributions to the OUSF, and, if recommended, a proposed adjusted assessment with a proposed effective date. The Administrator's filing shall include anticipated payouts and expenses from the OUSF for, at least, the following categories:

- (1) Payment to the Attorney General, pursuant to 17 O.S. § 139.104(A);
- (2) Management contract fees;
- (3) Internal administrative, oversight, and accounting expenses;
- (4) External Audits of Fund Manager and Administrator;
- (5) Accounting and expert witness contracts;
- (6) Bank fees;
- (7) Oklahoma Lifeline;
- (8) Primary Universal Services; and
- (9) Special Universal Services.

(d) **Notice.** Notice of the annual case filing shall be sent to the Oklahoma Attorney General and to all Contributing Providers via electronic mail to the Contributing Provider's contact information contained in the Contributing Providers' annual report submitted pursuant to OAC 165:59-3-40 and to any other electronic mail address so designated by the Contributing Provider. Notice of the periodic status reports shall be provided via electronic mail to all parties that have filed an entry of appearance in the current year's annual case, the Commission offices, and the Oklahoma Attorney General.

(e) **Objections to assessment.**

- (1) Within fifteen (15) days after filing a status report pursuant to section (b) above, any Contributing Provider or the Oklahoma Attorney General may file an objection to the proposed assessment with the Court Clerk. The objection shall include sufficient evidence to allow the Commission to fully evaluate the objection.
- (2) Notice of the objection shall be served via electronic mail to the Administrator, the Commission offices, and the Oklahoma Attorney General, and all parties who have filed an entry of appearance in the current year's annual case.
- (3) The Commission may, within its sole discretion, conduct a hearing to resolve the objection. If the Commission chooses to conduct a hearing, it shall provide at least five (5) business days' notice to the parties in the case. Any Contributing Provider or the Oklahoma Attorney General may participate in the hearing by filing an entry of appearance and a statement of position setting forth their position on the objection. The entry of appearance and statement of position shall be served on all parties to the case, the Commission offices, and the Oklahoma Attorney General. If an entry of appearance has been previously filed in the current annual case, then no additional entry of appearance need be filed for the party to participate in the hearing on objections. However, the party must file their statement of position to participate in the hearing. If the Commission does not issue an order on the objection within thirty (30) calendar days of the objection being filed, then the objection is denied.

(f) **Approval or rejection.** If no objection is filed, the Commission may approve, reject, or modify the adjustment without a hearing by issuing an order.

(g) **Effective date.** Following the issuance of an order by the Commission adjusting the assessment and effective date, the Administrator shall notify each Contributing Provider in the same manner

as notice is provided in section (d), and shall post the modified information to the Commission's website.

(h) **Reporting and payment.** Contributing Providers are to report and make payment to the OUSF and OLF as described in OAC 165:59-3-44.

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Amended at 28 Ok Reg 2259, eff 7-25-11; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 40 Ok Reg 1825, eff 10-1-23; Amended at 41 Ok Reg 1915, eff 9-1-24]

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 eligible local exchange telecommunications service provider eligible for OUSF funding within the local exchange area, except as otherwise provided for in the Telecommunications Act, 17 O.S. §§ 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.

(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. § 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;

(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 service providers and eligible providers 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 OUSF Funding 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, any eligible provider may seek OUSF Funding for the provision of Special Universal Services consistent with 17 O.S. § 139.109.1.
- (h) Any eligible provider shall receive funding for any Special Universal Services provided from the OUSF without a hearing, in a manner consistent with OAC 165:59-7-1 and the Oklahoma Telecommunication Act. The funding shall be approved only after the appropriate forms have been filed with the Commission's Court Clerk and reviewed by the OUSF 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 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 28 Ok Reg 2259, eff 7-25-11; Amended at 30 Ok Reg 1584, eff 7-11-13; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-15. Relinquishment of OUSF support eligibility [REVOKED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Revoked at 34 Ok Reg 5, eff 8-12-16 (emergency); Revoked at 34 Ok Reg 1011, eff 9-11-17]

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 Eligible Local Exchange Telecommunications Service Provider 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, upon notice and hearing:

- (1) Determine which Eligible Local Exchange Telecommunications Service Provider(s), which will include, but not be limited to, consideration of carrier of last resort obligations, are best able to provide such service to the unserved area(s), or portion of the area(s); and,
- (2) Order such Eligible Local Exchange Telecommunications Service Provider(s) 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; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

PART 5. ADMINISTRATION OF THE OUSF**165:59-3-30. Administration of the Fund**

- (a) The Administrator is expressly authorized to bring actions before the Commission to enforce the provisions of this Chapter and the Oklahoma Telecommunications Act.
- (b) The Administrator and/or contracted agent shall administer the OUSF in accordance with this Subchapter and the Oklahoma Telecommunications Act.
- (c) The Administrator's and/or contracted agent's duties shall include, but not be limited to:
 - (1) Receiving, distributing, and accounting for funds paid into the OUSF;
 - (2) Providing reimbursement to Eligible Providers and Eligible Local Exchange Telecommunications Service Providers in accordance with the Oklahoma Telecommunications Act;
 - (3) Managing the daily operations and affairs of the OUSF;
 - (4) Monitoring and assuring contribution/payment compliance as well as conducting periodic audits of the Contributing Providers to ensure that the Contributing Providers are accurately reporting and making proper payments to the OUSF;
 - (5) Monitoring and assuring that OUSF funds received by the Eligible Local Exchange Telecommunications Service Providers and Eligible Providers are based on one of the categories for which reimbursement is allowed under the Oklahoma Telecommunications Act.
 - (6) Informally resolving disputes;
 - (7) Independently evaluate and review all Requests for OUSF Funding and OUSF administrative preapproval requests within time frames identified in the Oklahoma Telecommunications Act, and make a determination of the accuracy of the requests, advise the Eligible Local Exchange Telecommunications Service Provider or Eligible Provider

requesting the funds of the determination of eligibility made by the Administrator, and determine the eligibility of the OUSF Beneficiary; and,

(8) Performing any other duties as required by law and/or this Chapter.

(d) The Administrator and/or contracted agent shall authorize payment of the approved funding to the requesting Eligible Local Exchange Telecommunications Service Provider or Eligible Provider, pursuant to the Oklahoma Telecommunications Act.

(e) The Commission finds, pursuant to Article IX, Section 18 of the Oklahoma Constitution, and 51 O.S. § 24A.22, that all information that is not otherwise publicly available, provided by an Eligible Local Exchange Telecommunications Service Provider, an Eligible Provider, an OUSF Beneficiary, or Contributing Provider in all matters submitted and filed pursuant to the Oklahoma Telecommunications Act is hereby classified as confidential. All documents and information considered to be confidential must be clearly marked as such. All information classified as confidential shall be used by the Administrator, ALJ, any party to a Request for OUSF Funding or party to a request for reconsideration related to such Request, any party in a case to establish or review the OUSF assessment rate, and the Commission solely in connection with the review and disposition of all matters subject to the Oklahoma Telecommunications Act. The Administrator, the ALJ, the Commission and all other parties that receive or review information deemed confidential herein shall keep all such information confidential, and shall only use such data for purposes of administering the OUSF, establishing or reviewing the OUSF assessment rate, evaluating a Request for OUSF Funding, and/or prosecuting a request for reconsideration of the Administrator's determination, or OUSF administrative preapproval funding letter, of OUSF Funding, and shall not disclose such data to any unauthorized person, provided, confidential information may be disclosed to parties in the case after the party in the case signs a nondisclosure agreement, as posted on the Commission Website, or as otherwise agreed between the party requesting the information and the party receiving the request for confidential information.

(f) Pursuant to 51 O.S. § 24A.22, the Commission hereby does classify as confidential all information that is not otherwise publicly available, provided by an Eligible Local Exchange Telecommunications Service Provider, an Eligible Provider, an OUSF Beneficiary, or Contributing Provider, in conjunction with an audit of said Eligible Local Exchange Telecommunications Service Provider, Eligible Provider, OUSF Beneficiary, or Contributing Provider. All information classified as confidential shall be used by the Administrator, ALJ, and the Commission solely in connection with the review and disposition of all matters subject to the Oklahoma Telecommunications Act. The Administrator, the ALJ, the Commission and all other parties that gain access as provided herein to confidential information shall keep all confidential information confidential, and shall not use such data except for purposes of administering the OUSF, and shall not disclose such data to any unauthorized person, provided, confidential information may be disclosed to parties in any filed case after the party in the case signs a nondisclosure agreement, as posted on the Commission Website, unless otherwise agreed to by the parties.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 20 Ok Reg 2320, eff 7-15-03; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-31. Recipients of Primary OUSF annual reporting

Each eligible local exchange telecommunications service provider, as defined in 17 O.S. § 139.102 receiving Primary Universal Service funding after December 31, 2022, shall submit financial reports reflecting information for the preceding calendar year by December 31, 2023, and by November 1 of each succeeding year. Such financial reports shall be consistent with the relevant separations process, to include depicting the financial impact of the jurisdictional separations, and shall include information sufficient to allow the Commission to review the company's intrastate regulated earnings for the reported year in a manner consistent with the application of the cost methods set forth in 17 O.S. § 139.106(H) and applicable Commission rules. To the extent an eligible local exchange telecommunications service provider is not required to utilize the separations processes established by federal rules, alternative financial reports demonstrating similar information can be submitted with an explanation as to how such alternative financial reports reflect the required information.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Added at 40 Ok Reg 1825, eff 10-1-23]

165:59-3-32. Audits of the Fund

- (a) The OUSF shall be audited annually by a non-OUSF, independent auditor selected by a committee with input from the State Auditor's Office. The committee shall be selected by the Commission's Director of Administration.
- (b) The annual audit should be based on assessed program risk conducted in accordance with standards.
- (c) The audit may include further objectives as requested by the Commission's Director of Administration, the State Auditor's Office, the Oklahoma Attorney General, and/or as required by the contract between the OUSF and independent auditor.
- (d) The cost of audits of the OUSF shall be funded by the OUSF.
- (e) All audit reports, once finalized, shall be provided to the Oklahoma Attorney General.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-33. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-34. Resolution of disputes regarding contributions to the OUSF and OLF

- (a) Any Contributing Provider operating within Oklahoma may dispute the amount of contribution assessed it by the Administrator for the OUSF and OLF, in the following manner:
 - (1) The Contributing Provider shall submit a written notice setting forth its dispute in detail to the Administrator, on or before the payment due date, and the Administrator shall have the responsibility for resolving the dispute.
 - (2) If satisfactory resolution is not achieved within thirty (30) days of the receipt of the written notice of dispute, the Contributing Provider may file an application with the Commission's Court Clerk requesting that the Commission resolve the dispute.
- (b) Pending final resolution of a dispute, the disputing Contributing Provider shall pay the disputed and undisputed amounts to the OUSF and OLF.

(c) If the disputing Contributing Provider prevails in its dispute, the Contributing Provider will be entitled to a refund, with interest, at the then effective interest rate, as provided by OAC 165:55-9-14(e)(1), from the date the disputed charge was paid to the date of refund.

(d) No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall any acceptance of payments be construed as a release of any claim that the Administrator may have for further or additional sums payable.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-35. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-36. Resolution of other disputes

(a) Any adversely impacted party may dispute the actions of an Eligible Local Exchange Telecommunications Service Provider or an Eligible Provider 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 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-37. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-3-38. Violations

(a) Failure to pay an assessed contribution to the OUSF shall be deemed a violation of the Oklahoma Telecommunications Act and this Chapter.

(b) Failure to timely respond to a request from the Administrator and/or its contracted agent or submit a report required by these rules may constitute a violation of this Chapter.

(c) The Commission may use all authority it has pursuant to the Oklahoma Constitution and laws of this State to ensure compliance with the Oklahoma Telecommunications Act and this Chapter.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 30 Ok Reg 1586, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

PART 7. CONTRIBUTIONS TO THE OUSF

165:59-3-40. Contributors to the OUSF

(a) The OUSF shall be funded in a competitively neutral manner in accordance with the Oklahoma Telecommunications Act.

(b) Each contributing provider shall annually provide contact information to the OUSF Administrator for the purpose of correspondence regarding contribution to the OUSF. The submission of an annual report to the Commission shall be deemed compliance with this paragraph.

(c) Each telecommunications carrier providing wholesale telecommunications services to VoIP providers in Oklahoma will annually provide the identity, to include address, of each such VoIP provider(s) to the OUSF Administrator as available. While the names of the VoIP providers may be made publicly available, all information with regard to the reporting telecommunications carrier will be treated as confidential.

(d) The contributing provider must certify to the truth and accuracy of data used to determine the contributing provider's contribution amounts. The OUSF Administrator may verify any information used by the contributing provider in its determination of its contributions to the OUSF. Each contributing provider shall maintain records and documentation used in its determination of its contributions to the OUSF for three (3) years, and shall provide such records and documentation to the OUSF Administrator upon request. Inaccurate or untruthful information used by the contributing provider may lead to prosecution to the full extent of the law.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-41. [Reserved]

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

165:59-3-42. Reporting requirements

Each contributing provider shall, within thirty (30) days from the date of a request made for information necessary for the OUSF Administrator to perform its duties under the Oklahoma Telecommunications Act and this Chapter shall submit the requested information to the OUSF Administrator, unless otherwise agreed between the OUSF Administrator and the contributing provider.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-43. [RESERVED]

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

165:59-3-44. Amount of contributions and charges assessed for the OUSF

(a) The amount of contribution required from each contributing provider shall be determined as provided in the Oklahoma Telecommunications Act.

(b) The OUSF 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 contributing provider, based on the fund level established by the Commission sufficient to recover the costs of administration and payments for OUSF and OLF requests for funding, as provided by the Oklahoma Telecommunications Act and the information provided pursuant to OAC 165:59-3-42.

(c) The fiscal reporting year shall be July 1 through June 30.

(d) Each contributing provider shall pay its contribution directly to the OUSF Administrator, or contracted agent, as directed by the OUSF Administrator, on a monthly or annual basis, conditioned upon an annual revenue threshold established by the OUSF Administrator.

(e) If the contributing provider qualifies to pay its contribution annually, payment shall be made at the beginning of the fiscal year, and is past due after August 31. If the contributing provider underestimates its annual contribution by 15% or greater, the contributing provider shall be required to make its contributions monthly for the next fiscal reporting year, and underpayments will be subject to interest.

(f) If the contributing provider qualifies to pay its contribution monthly, the contributing provider shall report the prior calendar month's revenues, and pay on those revenues, by the end of the month, each month, without skipping a month.

(g) Interest shall be charged on any payment not received by the reporting due date at the rate of 1.5% monthly.

(h) The payment shall be payable to the OUSF. All contributions and interest payments shall be deposited into the OUSF account established by the OUSF Administrator and/or contracted agent.

(i) All contributions shall be subject to audit by the OUSF Administrator, or its contracted agent.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-45. [RESERVED]

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

165:59-3-46. Recovery of OUSF contributions

(a) Contributions to the OUSF are charges paid by the Contributing Providers, but any Contributing Provider may, at its option, recover the amount it pays into the OUSF from its retail customers as provided in the Oklahoma Telecommunications Act. If the Contributing Provider 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) 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 Contributing Provider's OUSF contributions. Any under-recovery of the OUSF contribution for the preceding year, may be included as an increase in the calculation of the retail end-user recovery amount for the ensuing twelve-month period of the Contributing Provider's OUSF recovery from its retail customers, provided the Contributing Provider made a reasonable attempt to collect the funds in the preceding year.

(c) The Commission may, as it deems appropriate, order modifications in a Contributing Provider's method of recovery from its customers, after notice and hearing.

(d) In the event a Contributing Provider, excluding prepaid wireless providers, elects to recover its OUSF contributions from its retail 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 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

PART 9. REQUEST FOR OUSF FUNDING

165:59-3-60. Requests for funding from the OUSF

(a) 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 Oklahoma Attorney General, pursuant to 17 O.S. § 139.104. Thereafter, any residual funds will be distributed to eligible providers and eligible local exchange telecommunications service providers 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.

(b) Requests for OUSF funding for the provision of Special Universal Service shall contain the following caption: In the matter of the request of (name of Public School/Public Library/Eligible Health Care Entity/Consortium) of (name of city/Public Library system or city/health care system or city/Consortium lead) for funding from the Oklahoma Universal Service Fund.

(c) Requests for OUSF administrative preapproval will be filed by the Administrator and shall contain the following caption: In the matter of the request of (name of Public School/Public Library/Eligible Health Care Entity/Consortium) of (name of city/Public Library system or city/health care system or city/Consortium lead) requesting an OUSF preapproval funding letter.

(d) Requests for OUSF funding for Primary Universal Service shall contain the following caption: In the matter of the request by (name of eligible telecommunications service provider) for (insert basis of request) for funding from the Oklahoma Universal Service Fund.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1901, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 30 Ok Reg 1586, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 40 Ok Reg 1825, eff 10-1-23; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-61. Forms for requesting OUSF administrative preapproval and Special Universal Service funding

(a) The appropriate forms necessary for making a Special OUSF funding request shall be consistent with 17 O.S. §139.106(D)(4) and the appropriate forms necessary for making an OUSF administrative preapproval request shall be consistent with 17 O.S. § 139.109.1(F)(2)(a).

(b) The Administrator shall post the forms for an OUSF administrative preapproval request on the Commission's website no later than June 30 of each year to become effective for any OUSF administrative preapproval requests submitted after August 31 of that year. Objections to the preapproval forms must be filed with the Commission no later than 15 days after the forms are initially posted. If the objection results in the forms being further revised from what was initially posted, then the forms as approved after resolution of the objection shall be posted and thereafter used for requesting funding.

(c) The Administrator shall post the forms for requests seeking OUSF funds for Special Universal Services no later than one hundred and twenty (120) days prior to the start of funding year to become effective on July 1 for reimbursement requests submitted during the funding year.

(d) Any party objecting to the forms used for seeking Special Universal Service funding shall file an Application in the Commission's Court Clerk within fifteen (15) calendar days of the form being posted on the Commission's website. Notice of the objection shall be given to the Administrator, the Oklahoma Attorney General, and shall be posted on the Commission's website by the Administrator within three (3) calendar days of the filing of the objection.

(e) Objections shall provide details sufficient to allow the Commission to fully evaluate the objections. The Commission may, within its sole discretion, conduct a hearing to resolve the dispute. If the Commission opts to conduct a hearing, it shall provide at least five (5) calendar days notice to the parties in the case. Any interested person may participate in the hearing by filing an entry of appearance and a statement of position setting forth their position on the objection. The entry of appearance and statement of position shall be served on all parties to the case.

(f) The Commission shall issue a final order on the objection to the form within thirty (30) calendar days of the objection being filed, or if no order is issued, then the objection shall be deemed approved, and the form modified accordingly.

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 15 Ok Reg 1061, eff 1-6- 98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

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

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1061, eff 1-6- 98 (emergency); 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; Amended at 20 Ok Reg 2321, eff 7-15-03; Amended at 28 Ok Reg 2260, eff 7-25-11, Amended at 29 Ok Reg 1583, eff 7-12-12; Amended at 30 Ok Reg 1587, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Revoked at 34 Ok Reg 5, eff 8-12-16 (emergency); Revoked at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-63. [RESERVED]

[Source: Reserved at 15 Ok Reg 1061, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1901, eff 7-1-98]

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. § 139.106, the Eligible Local Exchange Telecommunications Service Provider shall comply with the Oklahoma Telecommunications Act.

(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. § 139.106, each ILEC which serves seventy-five thousand (75,000) or more access lines and each CLEC shall comply with the Oklahoma Telecommunications Act.

(c) Primary Universal Service provided by an Eligible Local Exchange Telecommunications Service Provider may be provided using facilities, including the end user loop component and functionality, which allow access to the Internet, including access to combined consumer voice and broadband Internet service. The costs and revenues associated with such facilities, calculated pursuant to Parts 32, 36, and 64 of Title 47 of the Code of Federal Regulations, may be included in determining OUSF funding levels, consistent with applicable federal and state laws. Primary Universal Service does not include broadband Internet access service as defined at 47 C.F.R. § 8.1(b).

(d) For any case filed pursuant to 17 O.S. § 139.106(G), the Administrator's Determination, or order issued by the Commission, may be the basis for reimbursement for no more than five (5) subsequent twelve (12) month periods beyond the initial request, subject to an annual variance and risk-based review by the Administrator, pursuant to OAC 165:59-3-70(o).

[Source: Added at 15 Ok Reg 1061, eff 1-6-98 (emergency); Added at 15 Ok Reg 1901, eff 7-1-98; Amended at 30 Ok Reg 1589, eff 7-11-13; Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 36 Ok Reg 715, eff 7-25-19; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-65. [RESERVED]

[Source: Reserved at 34 Ok Reg 5, eff 8-12-16 (emergency); Reserved at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-66. Procedures for OUSF administrative preapproval request

Except as provided in subparagraph (2) below, the OUSF administrative preapproval is an optional process available to OUSF Beneficiaries who desire to have certainty regarding the amount that will be paid from the OUSF in support of Special Universal Services on behalf of the OUSF Beneficiary.

(1) The OUSF Beneficiary may submit an OUSF administrative preapproval request to the Administrator to determine eligible services and credit amounts for the upcoming funding year. The appropriate form necessary for making an OUSF administrative preapproval request shall be available on the Commission's website and may also be obtained from the Administrator.

(2) In the event that federal universal service funding programs offer to match state funds for Special Construction Cost, OUSF Beneficiaries must follow these steps:

(A) Prior to selecting a bid, the OUSF Beneficiary will provide a copy of the request for

bids, all bid evaluation criteria, and all bids received to the Administrator for review. This review will be in conjunction with an OUSF administrative preapproval request. Review of the bids and bid evaluation criteria does not guarantee approval of funding.

(B) The OUSF Beneficiary will be required to submit a request for OUSF administrative preapproval before being eligible for state match funding.

(C) The OUSF administrative preapproval request, unless a request for additional time is granted by the Administrator, must be submitted at least sixty (60) days prior to the deadline to submit the FCC Form 471 so that the Administrator has sufficient time to properly review the information. Failure to provide sufficient time for the Administrator to conduct the review may impact funding, including but not limited to a denial of the state match funding.

(3) An OUSF administrative preapproval request may be submitted at any time by sending via electronic mail, the appropriate form along with a digital copy of all required documentation, including but not limited to requirements identified in 17 O.S. § 139.109.1(F)(2)(d), to the Administrator, to the email address posted on the Commission's website.

(4) The OUSF administrative preapproval request may include any documentation that would assist the Administrator in independently evaluating the request.

(5) OUSF administrative preapproval requests may be modified or supplemented at the discretion of the Administrator and prior to the issuance of the OUSF administrative preapproval funding letter.

(6) The Administrator shall independently evaluate and review the OUSF administrative preapproval request, including all provided documentation, and issue an OUSF administrative preapproval funding letter, without Commission order, to the OUSF Beneficiary within ninety (90) calendar days of receipt of the properly completed OUSF administrative preapproval request. The OUSF administrative preapproval funding letter shall be electronically delivered to the OUSF Beneficiary.

(7) An OUSF administrative preapproval request that is found by the Administrator to be incomplete (missing information required by the form and instruction package contained on the Commission website) may be denied.

(8) After an OUSF administrative preapproval funding letter has been issued, an OUSF Beneficiary may submit a new OUSF administrative preapproval request to provide corrections or additional information per this Chapter; however, such new requests shall be submitted for each impacted funding year in accordance with subparagraphs (2) and (3) above.

(9) Unless an OUSF Beneficiary receives approval of an OUSF administrative preapproval request, the Beneficiary shall not identify the OUSF as the source of secured funds for any purpose.

(10) The amount of OUSF funding preapproved under this subsection shall be subject to adjustments based on the amount of support received from other sources, if any, as well as adjustments to pricing that may occur between the time of preapproval and installation of service.

(11) Additional eligible services beyond those contained in the OUSF administrative preapproval request shall require either submission of a new OUSF administrative preapproval request or filing of a Request for OUSF Funding.

(12) Variance from the terms approved in the OUSF administrative preapproval funding letter, which could have impacted bid selection may make the previously issued OUSF preapproval funding letter null and void.

(13) An OUSF administrative preapproval request submitted by an OUSF Beneficiary shall be signed by an authorized agent of the OUSF Beneficiary, which may include a consultant, or by the attorney for the OUSF Beneficiary.

(14) Any affected party, as defined in 17 O.S. § 139.106(D)(5), may file a request for reconsideration within fifteen (15) calendar days of the OUSF administrative preapproval funding letter being filed by the Administrator, by following the procedures in OAC 165:59-3-72.

(15) If no Request for Reconsideration is filed within fifteen (15) days after filing the OUSF administrative preapproval funding letter, the Commission's Court Clerk shall automatically close the case on the sixteenth (16) calendar day, without a Commission order.

[Source: Added at 34 Ok Reg 5, eff 8-12-16 (emergency); Added at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-67. [RESERVED]

[Source: Reserved at 34 Ok Reg 5, eff 8-12-16 (emergency); Reserved at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-68. Procedures for requesting funding from the OUSF – Special Universal Services

(a) An Eligible Provider of Special Universal Services may seek and obtain funds from the OUSF by filing a "Request for OUSF Funding" with the Commission's Court Clerk. On the date of filing the Request for OUSF Funding, the Eligible Provider shall deliver a filed copy of the Request for OUSF Funding to the Administrator for processing.

(b) The Request for OUSF Funding shall include, but not be limited to the following:

(1) The name and address of the Eligible Provider;

(2) The name and address of the OUSF Beneficiary;

(3) A description of the provisions of the Oklahoma Telecommunications Act relied on for the request;

(4) The amount requested for funding;

(5) The completed Affidavit signed by the OUSF Beneficiary, including all required attachments;

(6) Verification of the truth and accuracy of the information contained in the Request for OUSF Funding and attachments, signed by the Eligible Provider; and

(7) A copy of the OUSF administrative preapproval funding letter, if OUSF administrative preapproval was sought by the OUSF Beneficiary.

(c) To facilitate the timely evaluation of requests for funding from the OUSF, a Request for OUSF Funding shall not contain a request for funding Special Universal Services to more than one Eligible Health Care Entity, or more than one school district, or more than one Public Library system. An Eligible Provider to a health care Consortium may file a Request for OUSF Funding to include eligible members of the Consortium within a single request for funding.

(d) A Request for OUSF Funding found to be incomplete (missing information required by the form and instruction package contained on the Commission website) may be denied.

(e) Amended Requests for OUSF Funding may be considered at the discretion of the Administrator. Grant of a request to amend a Request for OUSF Funding does not change the

ninety (90) day statutory deadline for issuance of a determination based on the date of receipt of the original Request for OUSF Funding.

(f) Eligible Providers may withdraw the Request for OUSF Funding and file a new request at any time prior to the issuance of the Determination. Upon the filing of a Withdrawal of Request for OUSF Funding, the Commission's Court Clerk shall close the file, without Commission order. If a new request is filed, it shall be filed under a new case number.

(g) It is the intention of the Administrator that each Request for OUSF Funding will be independently evaluated and reviewed on a case-by-case basis.

(h) Consistent with 17 O.S. § 139.109.1(B)(2), the OUSF Beneficiary shall make every reasonable and timely effort to obtain funding from alternative funding sources designated to support universal service, and shall submit all documentation of the effort to obtain funding from alternative funding sources as a part of the Eligible Provider's Request for OUSF Funding, or an explanation for why alternative funding is not available.

(i) If an Eligible Provider receives funding from alternative funding sources for an investment or expense already reimbursed by the OUSF, the Eligible Provider shall refund the double collection to the OUSF by either reducing a prospective funding request from the OUSF by an equivalent amount or remitting cash payment to the OUSF. Under no circumstances will double recovery be allowed.

(j) Concurrent with the filing of the Request for OUSF Funding, the Eligible Provider shall provide copies of its Request for OUSF Funding and Notice of the Request for OUSF Funding to the OUSF Administrator, the Oklahoma Attorney General, and the OUSF Beneficiary.

(k) The Administrator and/or its contracted agent shall independently evaluate, review, and determine the accuracy of the complete request and issue a Determination of the eligibility for funds, within sixty (60) calendar days if an OUSF administrative preapproval funding letter was issued, or within ninety (90) calendar days if no OUSF administrative preapproval funding letter was issued. Simultaneously with the Administrator or contracted agent providing a copy of the Determination to the Eligible Provider and parties to the case, the Administrator or contracted agent shall file the Determination with the Commission's Court Clerk. The Eligible Provider shall provide a copy of the Administrator's Determination to the OUSF Beneficiary within five (5) calendar days after it is filed. If the OUSF Beneficiary received an OUSF administrative preapproval funding letter and subsequently requested additional bids that were not reviewed by the Administrator during the OUSF administrative preapproval process, then the OUSF administrative preapproval funding letter is null and void.

(l) Any affected party, as defined in 17 O.S. § 139.106(D)(5), may file a request for reconsideration within fifteen (15) calendar days of the Determination being filed by the Administrator, by following the procedures in OAC 165:59-3-72.

(m) If no Request for Reconsideration is filed, the Determination shall be deemed final on the sixteenth (16) calendar day after the Determination is filed, as provided in the Oklahoma Telecommunications Act, and the case with the Commission's Court Clerk shall automatically be closed without a Commission order. The Administrator or contracted agent shall issue payment within forty-five (45) days of the previously mentioned sixteenth (16) day, without an order of the Commission.

(n) Unless good cause is shown, any Request for OUSF Funding should be made within eighteen (18) months from the date the requesting Eligible Provider can determine the impact of occurrence of the circumstance giving rise to the request; however, if an OUSF Beneficiary has obtained an

OUSF administrative preapproval funding letter from the Administrator, the Eligible Provider shall make a request for funding within sixty (60) calendar days of the start of service.

(o) No OUSF funds shall be disbursed to an Eligible Provider of Special Universal Services until the services are installed and in service.

(p) A Request for OUSF Funding, pursuant to this Section, shall be signed by an authorized agent of the Eligible Provider, or by the attorney for the Eligible Provider.

[Source: Added at 34 Ok Reg 5, eff 8-12-16 (emergency); Added at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-69. [RESERVED]

[Source: Reserved at 34 Ok Reg 5, eff 8-12-16 (emergency); Reserved at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-70. Procedures for requesting funding from the OUSF – Primary Universal Service

(a) An Eligible Local Exchange Telecommunications Service Provider may seek and obtain funds from the OUSF for Primary Universal Service by filing a "Request for OUSF Funding" with the Commission's Court Clerk. On the date of filing the Request for OUSF Funding, the Eligible Local Exchange Telecommunications Service Provider shall deliver a filed copy of the Request for OUSF Funding to the Administrator for processing.

(b) Unless a waiver is granted by the Administrator, the following minimum filing requirements are necessary for cases filed pursuant to 17 O.S. § 139.106(G), and must be made available at the time of filing:

(1) The name and address of the Eligible Local Exchange Telecommunications Service Provider;

(2) A description of the provisions of the Oklahoma Telecommunications Act relied on for the request;

(3) The amount requested for funding;

(4) A chart of corporate organization listing all employees, and detailing any affiliate relationships;

(5) A list of affiliates, a description of the service(s) or goods provided to or by the requesting Eligible Telecommunications Service Provider for each affiliate, and the total expense charged to the requesting Eligible Local Exchange Telecommunications Service Provider by each affiliate in sufficient detail to demonstrate that any affiliate company utilizing employees or assets of the company are allocated or reimbursed in accordance with 47 C.F.R. 32.27. This information shall be provided for the reimbursement year and the previous three (3) years (4 total), and shall include, but not be limited to, all contracts, memorandum, timesheets, calculations, and studies;

(6) A written description and documentation showing how costs are separated for each regulated and non-regulated service that the requesting Eligible Local Exchange Telecommunications Service Provider provides to, or receives from, any affiliate that is associated with the Request for OUSF Funding. This description must show compliance with the cost allocation standards and procedures as set forth in 47 C.F.R. 64.901. This information shall be provided for the reimbursement year and the previous three (3) years (4 total), and

shall include, but not be limited to, all contracts, memorandum, timesheets, calculations, and studies;

(7) If applicable, copies of the Eligible Local Exchange Telecommunications Service Provider's Cost Allocation Manual (CAM), to include any changes to the CAM for the last three (3) years, including documentation supporting the cost allocation procedures and a current example of the application of the CAM's manual. If a CAM is unavailable, similar documentation must be provided;

(8) The most recent three (3) years preceding the request of audited financial statements, or if not subject to an audit, then reviewed financial statements, (including balance sheet, income statement, statement of cash flows accompanying notes, and any associated management letter);

(9) A description of network facilities, identifying all facilities included in the Request for OUSF Funding, with actual documentation available upon request by the Administrator;

(10) A description of the cost and accounting methodologies used to support the Request for OUSF Funding;

(11) A trial balance and general ledger in Excel format, or other format as agreed to by the Administrator;

(12) If applicable, a fully distributed cost study based on the FCC's Part 32, 36 and 64; provide plant reserve, rate base, income (revenue, expenses, and taxes), and other schedules included in the filing made with NECA or the FCC; a schedule of separations cost study for the reimbursement year. Underlying work-papers to be available onsite;

(13) Copies of the company's annual Federal Universal Service Fund (USF) High Cost Loop Data Collection forms for the reimbursement year and the previous three (3) years (4 total);

(14) The total number of full-time and part-time employees, officers, and/or contractors to include a listing of each of the above positions that includes title, duties, responsibilities, wages and/or salaries and benefits for the reimbursement year and the previous three (3) years (4 total) including:

(A) Written policies on the determination of salary levels, bonuses, benefits package and pension plans (if applicable);

(B) Total amount of salary paid to each employee during the reimbursement year;

(C) Total amount of bonuses paid to each employee during the reimbursement year; and

(D) NTCA wage salary survey or other documentation used to determine payroll levels during the reimbursement year.

(15) A list of expenses sought, including any prior period adjustments and/or contingent liabilities that were reported on the Eligible Local Exchange Telecommunications Service Provider's books and records and are part of this request, including but not limited to any:

(A) reimbursed employee business expense, including travel, mileage, car rental, lodging, meals, etc.;

(B) lobbying;

(C) listing of all legal services and fees by law firm;

(D) advertising expenses;

(E) external relation costs;

(F) community outreach;

(G) entertainment;

(H) food and alcohol, including but not limited to meals and alcohol to celebrate personal events, such as weddings, births, or retirements, and company events;

- (I) political contributions;
 - (J) charitable donations;
 - (K) penalties for fines or violations;
 - (L) membership fees and dues;
 - (M) gifts;
 - (N) uncollectible revenues;
 - (O) personal expenses, including travel expenses, of employees, board members, family members of employees and board members, contractors, or any other individuals affiliated with the Eligible Local Exchange Telecommunications Service Provider; and
 - (P) sponsorships of conferences or community events.
- (16) The Federal tax classification (C-Corp, Sub-Chapter S, Partnership, etc.) of the Eligible Local Exchange Telecommunications Service Provider, and copies of the Eligible Local Exchange Telecommunications Service Provider's Federal and State tax returns for the reimbursement year and the previous three (3) years (4 total);
- (17) A Description of the time tracking and reporting methods used by the Eligible Local Exchange Telecommunications Service Provider to distribute payroll dollars between regulated and non-regulated affiliates. Provide all supporting documentation for the reimbursement year and the previous three (3) years (4 total);
- (18) A list of plant in-service retirements for the reimbursement year and the three (3) years prior to the reimbursement year (4 total);
- (19) A plant in-service schedule by account that provides existing plant and additions, for the reimbursement year and the three (3) years prior to the reimbursement year (4 total);
- (20) Materials and supplies account balances for the reimbursement year and three (3) years prior (4 total) and an overview of the operational and accounting treatment for materials and supplies, including:
- (A) Describe how often new materials and supplies are purchased;
 - (B) Level of standard inventory on hand, including inventory for disaster recovery; and
 - (C) Inventory accounting method utilized.
- (21) Listing by account of all revenues, including aggregate customer revenues by category (residential, business, wholesale, etc.), that were used to off-set the Eligible Local Exchange Telecommunications Service Provider's OUSF funding request. This should include any amount received from the Federal USF, OUSF, and any other federal or state funding sources;
- (22) The total number of customers by category (residential, business, wholesale, etc.) for the reimbursement year and the three (3) years prior to the reimbursement year (4 total);
- (23) A copy of the Eligible Local Exchange Telecommunications Service Provider's regulated Continuing Property Records (CPR). If the CPRs do not tie to the general ledger, provide a reconciliation of the differences;
- (24) A list and copies of any audits or reviews to include letters, reports, memorandum, etc. conducted by the National Exchange Carriers Association (NECA), USAC, or FCC conducted during the reimbursement year and three (3) years prior to the reimbursement year (4 total); and
- (25) Board of Directors information, including:
- (A) Compensation;
 - (B) Board member names and titles; and
 - (C) Copies of meeting minutes for each board meeting for the reimbursement year.

(c) Unless a waiver is granted by the Administrator, the following minimum filing requirements are necessary for cases filed pursuant to 17 O.S. § 139.106(K), and must be made available at the time of filing:

- (1) The name and address of the Eligible Local Exchange Telecommunications Service Provider;
- (2) A description of the provisions of the Oklahoma Telecommunications Act relied on for the request;
- (3) The amount requested for funding;
- (4) Documentation necessary to substantiate the requested funding; and
- (5) The most recently filed jurisdictional cost study, if applicable to the specific request;
- (6) For highway relocation causes, the additional following minimum filing requirements are necessary:
 - (A) Copies of all bids or written explanation why bids were not requested;
 - (B) The request for proposal, if any;
 - (C) Copies of all invoices and work orders and proof of payment including check details;
 - (D) Documentation showing internal material accounting;
 - (E) Documentation showing internal labor accounting, including time sheets, and separate documentation showing accounting of overtime work;
 - (F) A certificate of completion of the relocation;
 - (G) Documentation from the governmental entity requesting the relocation;
 - (H) Map(s) showing the before and after location of the relocated facilities; and
 - (I) A description of betterments, if any, made during the relocation and the cost sought to be recovered.

(d) Amended requests for OUSF Funding may be accepted at the discretion of the Administrator. Grant of a request to amend a Request for OUSF Funding does not change the ninety (90) day statutory deadline for issuance of a determination based on the date of receipt of the original Request for OUSF Funding. Eligible Local Exchange Telecommunications Service Providers may withdraw the originally filed Request for OUSF Funding and file a new request at any time prior to the issuance of the Determination. Upon the filing of a Withdrawal of Request for OUSF Funding, the Commission's Court Clerk shall close the file, without Commission order. If a new request is filed, it shall be filed under a new case number.

(e) Requests for OUSF Funding found to be incomplete (missing information required by the form and instruction package contained on the Commission website) may be denied.

(f) It is the intention of the Administrator that each funding request will be independently evaluated and reviewed on a case-by-case basis.

(g) The Eligible Local Exchange Telecommunications Service Provider requesting OUSF funding for primary universal service shall make every reasonable and timely effort to obtain funding from alternative funding sources designated to support universal service, and shall submit all documentation of the effort to obtain funding from alternative funding sources designated to support universal service as a part of its Request for OUSF Funding, or an explanation for why alternative funding is not available. Upon the Eligible Local Exchange Telecommunications Service Provider producing the documentation that it has sought alternative funding sources or an explanation for why alternative funding is not available, the Eligible Local Exchange Telecommunications Service Provider shall not be precluded from having its Request for OUSF Funding processed.

(h) 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 Eligible Local Exchange Telecommunications Service Provider shall refund the double collection to the OUSF by either reducing a prospective funding request from the OUSF by an equivalent amount or remitting cash payment to the OUSF. Under no circumstances will double recovery be allowed.

(i) Concurrent with the filing of the Request for OUSF Funding, the Eligible Local Exchange Telecommunications Service Provider shall:

Provide copies of its Request for OUSF Funding to the Administrator and the Oklahoma Attorney General.

(j) The Administrator and/or contracted agent shall independently evaluate, review, and determine the accuracy of the complete request and issue a determination of the eligibility for funds, which details the amount of funding recoverable from the OUSF, within ninety (90) calendar days. Simultaneously with the Administrator or contracted agent advising the Eligible Local Exchange Telecommunications Service Provider of the Determination, the Administrator or contracted agent shall file the written Determination with the Commission's Court Clerk.

(k) Any affected party, as defined in 17 O.S. § 139.106(D)(5), may file a Request for Reconsideration within fifteen (15) calendar days of the Determination being filed by the Administrator, by following the procedures in OAC 165:59-3-72.

(l) If no Request for Reconsideration is filed, the Determination shall be deemed final on the sixteenth (16) calendar day after the Determination is filed as provided in the Oklahoma Telecommunications Act, and the case with the Commission's Court Clerk shall automatically be closed. The Administrator or contracted agent shall issue payment within forty-five (45) calendar days of the previously mentioned sixteenth (16) day, without an order of the Commission.

(m) Any Request for OUSF Funding pursuant to this Section should be made within a reasonable time from the date the requesting local exchange telecommunications service provider can determine the impact of occurrence of the circumstance giving rise to the request.

(n) A Request for OUSF Funding, pursuant to this Section, shall be signed by an attorney for the Eligible Local Exchange Telecommunications Service Provider.

(o) For cases filed pursuant to 17 O.S. § 139.106(G), consistent with OAC 165:59-3-64(d), and when the Administrator has previously issued an initial Determination or a Commission final order has been issued, an Eligible Local Exchange Telecommunications Service Provider may file an OUSF request pursuant to 17 O.S. § 139.106(G) and request a variance and risk-based review, provided that:

(1) Requests for OUSF Funding made pursuant to the variance and risk-based review shall be filed with the Commission's Court Clerk and provided on the date of filing to the Administrator for processing.

(2) The above provisions in OAC 165:59-3-70(d)-(f) and (i)-(l) are applicable to cases processed using the variance and risk-based review.

(3) The Administrator shall develop an annual variance and risk-based review procedure and reporting format that specifies the information to be made available for purposes of such variance and risk-based review.

(4) The annual variance and risk-based review process shall include the submission of all information requested, in a format to be developed by the Administrator.

(5) Such annual variance and risk-based review shall be based on comparisons between and among the documentation provided with the initial Request for OUSF Funding, and the

information subsequently provided in conjunction with an annual variance and risk-based review.

(6) In no case shall an increase in OUSF funding based on an annual variance and risk-based review exceed five (5) percent of the initial amount granted by the Administrator's Determination or a final order issued by the Commission.

(p) For cases filed pursuant to 17 O.S. § 139.106(G), determinations of funding shall be based on a Return on Equity and/or Return on Investment factor or methodology applicable to all RLECs as established by the Commission after notice and hearing. In the event of an absence of a Commission established Return on Equity and/or Return on Investment, the Administrator shall rely on the authorized rate of return prescribed by the FCC for the reimbursement year.

[Source: Added at 34 Ok Reg 5, eff 8-12-16 (emergency); Added at 34 Ok Reg 1011, eff 9-11-17; Amended at 36 Ok Reg 715, eff 7-25-19; Amended at 40 Ok Reg 1825, eff 10-1-23; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-71. [RESERVED]

[Source: Reserved at 34 Ok Reg 5, eff 8-12-16 (emergency); Reserved at 34 Ok Reg 1011, eff 9-11-17]

165:59-3-72. Request for reconsideration procedures

(a) The Request for Reconsideration and a Notice of Prehearing Conference shall be filed with the Commission's Court Clerk and provided to all parties of record on the same day it is filed. Any party filing a Request for Reconsideration must be represented by an attorney, as defined in OAC 165:5-1-3.

(b) A copy of the filed Request for Reconsideration and Notice of Prehearing Conference shall be delivered to the Administrator, the Oklahoma Attorney General, and all parties to the case.

(c) Upon filing the Request for Reconsideration and the Notice of Prehearing Conference, the Request for Reconsideration shall, without Commission order, be assigned to an ALJ, and set for hearing on the next regularly scheduled Motion Docket for a Prehearing Conference, which is at least five (5) business days after the date of filing, unless the parties agree or the Commission directs otherwise.

(d) At the time a Request for Reconsideration is filed, all documentation not contained in the public record and not filed in the case with the Commission's Court Clerk, relied upon by the Administrator in making the Determination, or OUSF administrative preapproval funding letter, shall be made available to the party filing the Request for Reconsideration and the Applicant in the case. No confidential information and/or highly sensitive confidential information shall be provided until the nondisclosure agreement, as approved pursuant to OAC 165:59:3-30(f) is signed by the affected party. Additionally, all data requests issued with respect to a Request for Reconsideration shall be answered within the timeframe set forth in OAC 165:5-11-1(f), unless otherwise agreed by the parties. Any prefiled testimony, statement of position, or legal brief in support of the Request for Reconsideration shall be filed with the Commission's Court Clerk within fifteen (15) calendar days of the Request for Reconsideration, and provided to all parties of record on the same day it is filed.

(e) Any responsive prefiled testimony or responsive legal brief shall be filed with the Court Clerk within ten (10) business days of the filing of the prefiled testimony or legal brief, as referenced in

subsection (d), and provided to all parties of record on the same day it is filed.

(f) During the prehearing conference, the ALJ shall identify any additional requirements for a procedural schedule, including scheduling a hearing on the Request for Reconsideration, if deemed necessary by the ALJ. The parties shall identify all witnesses or potential witnesses who will provide testimony, and all witnesses or potential witnesses shall submit prefiled testimony. The ALJ may determine that a hearing on the Request for Reconsideration is not needed for cases without material disputes of fact or if all parties waive cross-examination. The hearing on the Request for Reconsideration shall be set within forty-five (45) calendar days of filing of the Request for Reconsideration, unless the Commission orders otherwise. The parties shall adhere to the procedural schedule set by the ALJ, without a Commission order.

(g) The ALJ shall issue an ALJ report containing the findings of fact, conclusions of law, and recommendation within fifteen (15) business days of the hearing on the Request for Reconsideration. If the ALJ determines no hearing on the Request for Reconsideration is necessary, the ALJ shall issue an ALJ report as set forth herein, no later than sixty (60) calendar days after the date the Request for Reconsideration was filed.

(h) Recommendations on motions, objections, and all filings made prior to the issuance of an ALJ report shall be addressed by the ALJ in the ALJ report, containing the recommendation on the merits of the Request for Reconsideration, unless the Commission orders otherwise.

(i) Oral or written exceptions regarding motions, objections, and all filings made prior to the issuance of an ALJ report will not be allowed, unless the Commission orders otherwise. Exceptions to the ALJ report, shall be governed under OAC 165:5-13-5(a)(2), (b) and (c).

(j) A Request for Reconsideration may be withdrawn at any time prior to opening of the record in the Hearing on the Request for Reconsideration by filing a Withdrawal of Request for Reconsideration with the Commission's Court Clerk. Upon filing a Withdrawal of Request for Reconsideration, the case shall be closed by the Commission's Court Clerk, without a Commission order, and payment shall be made within forty-five (45) calendar days after filing the Withdrawal of Request for Reconsideration.

(k) If the Commission does not issue a final order within thirty (30) calendar days from the date the Request for Reconsideration is filed, the Request shall be deemed approved on an interim basis subject to refund with interest. To obtain interim funding, the Eligible Local Exchange Telecommunications Service Provider or the Eligible Provider must file notice with the Commission's Court Clerk of its intention to seek interim funding. The Administrator shall pay the interim funding within forty-five (45) calendar days upon receipt of notice.

[Source: Added at 34 Ok Reg 5, eff 8-12-16 (emergency); Added at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-73. Procedures for receiving funding for Primary OUSF after the issuance of a determination

Primary Universal Service payments will be processed in the following manner:

- (1) For cases that have requested a lump sum payment, the lump sum payment, as determined, will be paid in accordance with 17 O.S. § 139.106.
- (2) Any monthly payments, as determined in a Final Determination or Commission Order, shall be paid in accordance with 17 O.S. § 139.106.
- (3) Any Final Determination or Commission Order granting monthly recurring payments will include language providing for a review and true-up process to ensure proper ongoing payment

amounts. Such review and true-up process can be initiated at the request of the Administrator or the recipient.

[Source: Added at 41 Ok Reg 1915, eff 9-1-24]

165:59-3-74. Procedures for receiving funding for Special OUSF after the issuance of a determination

- (a) Special Universal Service funding will be processed in the following manner:
- (1) For cases that have requested a lump sum payment, the lump sum payment, as determined, will be paid in accordance with 17 O.S. § 139.106.
 - (2) Any monthly payments, as determined in a Final Determination or Commission Order shall be paid in accordance with 17 O.S. § 139.106.
 - (3) The Administrator shall develop and post on the Commission's website Change Request forms necessary to indicate changes including, but not limited to a change in: (i) bandwidth; (ii) pricing for bandwidth; and/or (iii) location of circuits and/or (iv) receipt by a Beneficiary of alternative funding. The forms shall include, disconnection of service, upgrade and/or downgrade in connectivity speed, change in E-rate discount, or price, and other information necessary to reconcile the changes to the Special Universal Services initially approved.
 - (4) Within thirty (30) calendar days after the Eligible Provider is aware of a change, the Eligible Provider shall notify the Administrator and/or its contracted agent of the change(s) by submitting a Change Request form. The changes may be implemented pending the Administrator's approval of the Change Request, subject to true-up.
 - (5) The Administrator shall notify the Eligible Provider in writing of its approval or denial of the Change Request within sixty (60) calendar days of receipt of the Change Request.
 - (6) If the Change Request is denied, funding shall continue at the amounts for Special Universal Services that were approved prior to the current Change Request. The Eligible Provider, as necessary, shall provide the Administrator and/or its contracted agent with a true-up calculation of the payments received from the OUSF.
 - (7) Monthly recurring amounts or other funding-related changes (e.g., level of bandwidth, changes in price, or changes in locations) will not be increased from the approved amount without supporting documentation being made available to the Administrator and/or its contracted agent via a submitted Change Request or by the filing of a new Request for OUSF Funding.
 - (8) Funding for eligible services, including but not limited to federal funding, shall not exceed actual eligible expenses.
- (b) If the OUSF Beneficiary receives funding from another state or federal fund for an investment or expense already reimbursed by the OUSF, the OUSF Beneficiary shall notify the Eligible Provider, and thereafter the Eligible Provider shall submit a Change Request.

[Source: Added at 41 Ok Reg 1915, eff 9-1-24]

SUBCHAPTER 5. LIFELINE SERVICE [REVOKED]

Section

165:59-5-1. Lifeline Service Program [REVOKED]

165:59-5-2. [RESERVED]

- 165:59-5-3. Audits [REVOKED]
 165:59-5-4. [RESERVED]
 165:59-5-5. Recertification [REVOKED]

SUBCHAPTER 5. LIFELINE SERVICE [REVOKED]

165:59-5-1. Lifeline Service Program. [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1195, eff 1-6-98 (emergency); Revoked at 15 Ok Reg 1915, eff 7-1-98]

165:59-5-2. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-5-3. Audits [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1195, eff 1-6-98 (emergency); Revoked at 15 Ok Reg 1914, eff 7-1-98]

165:59-5-4. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-5-5. Recertification [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Revoked at 15 Ok Reg 1195, eff 1-6-98 (emergency); Revoked at 15 Ok Reg 1915, eff 7-1-98]

SUBCHAPTER 7. SPECIAL UNIVERSAL SERVICES

Section

- 165:59-7-1. Evaluation process for Special Universal Service cases
 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 [REVOKED]
 165:59-7-6. Telemedicine access for Eligible Health Care Entities
 165:59-7-7. Toll-free calling to public schools and public libraries [REVOKED]
 165:59-7-8. Internet access to Public Schools and Public Libraries
 165:59-7-9. County seats [REVOKED]
 165:59-7-10. Alternative funding
 165:59-7-11. Dispute resolution
 165:59-7-12. [RESERVED]
 165:59-7-13. Reselling of Special Universal Services Prohibited
 165:59-7-14. [RESERVED]

165:59-7-15.	Provision of Special Universal Services
165:59-7-16.	[RESERVED]
165:59-7-17.	Required disclosures regarding Special Universal Services
165:59-7-18.	[RESERVED]
165:59-7-19.	Competitive Bidding

SUBCHAPTER 7. SPECIAL UNIVERSAL SERVICES

165:59-7-1. Evaluation process for Special Universal Service cases

The Administrator will utilize the following procedures when evaluating a request for OUSF funding for the provision of services supported by the OUSF to a Public School, a Public Library, or an Eligible Health Care Entity:

- (1) A fair and open competitive bidding process shall be used to select the services and Eligible Provider for which OUSF funding will be sought.
- (2) An affidavit will be required from the OUSF Beneficiary that the bid information submitted to the Administrator for review contains all the bids received by the OUSF Beneficiary. All evaluation tools utilized by the OUSF Beneficiary while reviewing the bids, including all received bids, must be provided to the Administrator in a manner approved by the Administrator.
- (3) The OUSF will not reimburse charges for redundant service(s). However, if the Eligible Provider is unable to provision the eligible bandwidth using a single access line, the OUSF Beneficiary may choose to employ multiple access lines to provision the eligible bandwidth level established by the SETDA standard for Public Schools, or consistent with 17 O.S. §139.109.1(A)(1) for Eligible Health Care Entities or 17 O.S. § 139.109.1(A)(3) for Public Libraries, as long as all lines are provisioned by the same Eligible Provider. The Administrator may waive this requirement for good cause shown.
- (4) The OUSF shall not fund more than one Eligible Provider for the same service at the same location for the same time period, except during a transition period from one Eligible Provider to another. Such funding during a transition period shall not exceed thirty (30) calendar days.
- (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%.
- (6) The OUSF Beneficiary's request for bids shall clearly identify the minimum and a maximum bandwidth at standard available levels consistent with guidelines promulgated by the FCC and as provided in OAC 165:59-7-19.
- (7) The OUSF will fund reasonable installation and/or reasonable Special Construction Cost, in accordance with OAC 165:59-7-21.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Amended at 28 Ok Reg 2261, eff 7-25-11, Amended at 29 Ok Reg 1583, eff 7-12-12; Amended at 30 Ok Reg 1589, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-7-2. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

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 1199, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Revoked at 34 Ok Reg 5, eff 8-12-16 (emergency); Revoked at 34 Ok Reg 1011, eff 9-11-17]

165:59-7-4. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-7-5. Toll-free calling to not-for-profit hospitals [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6-98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Amended at 18 Ok Reg 2448, eff 7-1-01; Revoked at 34 Ok Reg 5, eff 8-12-16 (emergency); Revoked at 34 Ok Reg 1011, eff 9-11-17]

165:59-7-6. Telemedicine access for Eligible Health Care Entities

(a) It is the intention of the Commission that this Chapter be interpreted to assist in the development of telemedicine service programs which in turn have the following effects on Eligible Health Care Entities:

- (1) Empowering Eligible Health Care Entities, 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 Eligible Health Care Entities.

(b) Upon compliance with the competitive bidding process, and other requirements set forth in the Oklahoma Telecommunications Act, and upon receipt of a written request by an authorized representative of an Eligible Health Care Entity, as defined by this Chapter, the Eligible Provider shall, by itself or in conjunction with another provider of telecommunications services, provide Special Universal Services to the Eligible Health Care Entity.

(c) Special Universal Services to an Eligible Health Care Entity include the provision of bandwidth consistent with 17 O.S. § 139.109.1(A)(1) sufficient for providing telemedicine services including the telemedicine line, reasonable installation, and network termination equipment owned and operated by the Eligible Provider that is necessary to provide the eligible telemedicine service. Bandwidth may be rounded up to the next available standard service increment to avoid increased costs to the fund. Eligible Health Care Entities shall be approved for bandwidth of up to 500 Mbps, unless good cause is shown. When an Eligible Health Care Entity requests funding for bandwidth in excess of 500 Mbps, the Administrator, in determining an appropriate bandwidth and associated

funding may consider all relevant information, which may include, but is not limited to, the following factors:

- (1) Number of health care providers and staff at the Eligible Health Care Entity;
 - (2) Number of beds at the Eligible Health Care Entity;
 - (3) The telemedicine services provided at the Eligible Health Care Entity;
 - (4) Support for other telemedicine facilities that require broadband access with consideration for any payments received by the supporting facility;
 - (5) Bandwidth utilization studies; and
 - (6) Prior bandwidth usage, not including public network usage.
- (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 Eligible Provider shall be entitled to reimbursement from the OUSF for a one-time reasonable charge for the establishment of service of a new telecommunications line or wireless connection. Under this subsection (e), reimbursement is intended to allow for reasonable changes in:
- (1) the supported services and technologies purchased by an Eligible Health Care Entity,
 - (2) the physical location of an Eligible Health Care Entity by permitting establishment of new service at a new location, and/or
 - (3) the Eligible Provider providing service to an Eligible Health Care Entity.
- (f) The written request by an authorized representative of an Eligible Health Care Entity to an Eligible Provider shall be in the form and content approved by the Administrator.
- (g) The Administrator and/or its contracted agent may periodically seek verification of continued eligibility from an Eligible Health Care Entity, and the Eligible Health Care Entity shall maintain sufficient documentation to be able to provide verification of eligibility within fifteen (15) calendar days after request of the Administrator, unless an extension of time within which to respond is granted by the Administrator and/or its contracted agent for good cause shown.
- (h) If the Eligible Health Care Entity is eligible for Rural Health Care Program funding, the following documents shall be provided to the Administrator within thirty (30) calendar days after the Eligible Health Care Entity has either submitted the form to USAC, or received the form from USAC, whichever is applicable.
- (1) If eligible under the Telecommunications program, the Eligible Provider or Eligible Health Care Entity must provide the Administrator the FCC Form 466, Funding Commitment Letter, FCC Form 467, and Health Care Provider Support Schedule.
 - (2) If eligible under the Healthcare Connect Fund, the Eligible Provider or Eligible Health Care Entity must provide the Administrator the FCC Forms 460, 461 and 462, associated network cost worksheet, and Funding Commitment Letter.

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 18 Ok Reg 2448, eff 7-1-01; Amended at 22 Ok Reg 1821, eff 7-1-05, Amended at 29 Ok Reg 1583, eff 7-12-12; Amended at 30 Ok Reg 1589, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-7-7. Toll-free calling to public schools and public libraries [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Revoked at 34 Ok Reg 5, eff 8-12-16 (emergency); Revoked at 34 Ok Reg 1011, eff 9-11-17]

165:59-7-8. Internet access to Public Schools and Public 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) Special Universal Services shall include the provision of bandwidth sufficient for providing educational services not to exceed, without good cause shown, the standards established for the relevant funding year by SETDA or successor educational broadband standard including Internet access lines, WAN connections, reasonable installation, and network termination equipment owned and operated by the Eligible Provider as defined by the ESL that is necessary to provide the eligible service. Student counts as reported to the State Department of Education in October of the year prior to the relevant funding year shall be utilized for the purpose of determining bandwidth recommendations established by SETDA for purposes of this paragraph. In the absence of standards prescribed for the applicable funding year, the standards for the next prescribed funding year shall be used. Bandwidth may be rounded up to the next available standard service increment to avoid increased costs to the fund.

(c) Special Universal Services for Public Schools and Public Libraries shall include the E-rate Eligible Services List (ESL) for Category One services as determined by the FCC for the applicable funding year or, in the absence of such a list, as published by USAC. In the event no ESL is available from the FCC or USAC for the applicable funding year, eligible services will be those on the ESL for the last funding year for which an ESL was available.

(d) Special Universal Services shall include the provision of bandwidth sufficient for providing library services per standards as recommended by the FCC including Internet access lines, reasonable installation, and network termination equipment owned and operated by the Eligible Provider that is necessary to provide the eligible service. Bandwidth may be rounded up to the next available standard service increment to avoid increased costs to the fund.

(e) Special Universal Services shall not include voice services that use separate lines or have allocated bandwidth.

(f) 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.

(g) The OUSF provides reimbursement for Special Universal Services provided to technology center schools that provide vocational and technical instruction for high school students who attend the technology center school on a tuition-free basis. Eligible bandwidth will be based on the number of high school students that attend the technology center school on a tuition-free basis.

[Source: Reserved at 14 Ok Reg 2562, Eff 7-1-97; Added at 15 Ok Reg 1199, eff 1-6- 98 (emergency); Added at 15 Ok Reg 1919, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 28 Ok Reg 2261, eff 7-25-11; Amended at 30 Ok Reg 1590, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-7-9. County seats [REVOKED]

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Revoked at 34 Ok Reg 5, eff 8-12-16 (emergency); Revoked at 34 Ok Reg 1011, eff 9-11-17]

165:59-7-10. Alternative funding

OUSF Beneficiaries should make every reasonable effort to seek other sources of funding from State or federal funds, to minimize the impact on the OUSF. This includes, but is not limited to, completing the application process and requesting disbursement of funds from the funding source when funding is approved. Failure to meet these requirements may reduce OUSF funding.

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97; Added at 18 Ok Reg 2448, eff 7-1- 01; Amended at 28 Ok Reg 2262, eff 7-25-11; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

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 1199, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98]

165:59-7-12. [RESERVED]

[Source: Reserved at 14 Ok Reg 2562, eff 7-1-97]

165:59-7-13. Reselling Special Universal Services Prohibited

Special Universal Services purchased from an eligible provider of Special Universal Services shall not be sold, resold or transferred in consideration for money or any other thing of value.

[Source: Added at 14 Ok Reg 2562, eff 7-1-97; Amended at 15 Ok Reg 1199, eff 1-6- 98 (emergency); Amended at 15 Ok Reg 1919, eff 7-1-98; Amended at 22 Ok Reg 1822, eff 7-1-05; Amended at 28 Ok Reg 2262, eff 7-25-11; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-7-14. [RESERVED]

[Source: Reserved at 15 Ok Reg 1199, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1919, eff 7-1-98]

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

(a) After compliance with the Oklahoma Telecommunications Act, and upon receipt of a written request by an OUSF Beneficiary, the eligible provider 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 eligible provider shall immediately notify the OUSF Beneficiary 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 eligible provider unless unavoidable delays beyond the eligible provider's control are experienced. If the service will be delayed longer than thirty (30) days, the eligible provider shall promptly notify the OUSF Administrator 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 1199, eff 1-6-98 (emergency); Added at 15 Ok Reg 1919, eff 7-1-98; Amended at 28 Ok Reg 2262, eff 7-25-11; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-7-16. [RESERVED]

[Source: Reserved at 15 Ok Reg 1199, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1919, eff 7-1-98]

165:59-7-17. Required disclosures regarding Special Universal Services

(a) Each Eligible Provider shall render an invoice to the OUSF Beneficiary regarding said Special Universal Services. The invoice shall reflect the provider's itemized charges for the provisioning of Special Universal Services.

(b) Prior to signing a contract with an OUSF Beneficiary, the Eligible Provider shall provide the OUSF Beneficiary a description of, or reference to, limitations on funding from the OUSF. A general description of the limitations shall be posted on the Commission's website.

[Source: Added at 15 Ok Reg 1199, eff 1-6-98 (emergency); Added at 15 Ok Reg 1919, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 28 Ok Reg 2262, eff 7-25-11; Amended at 30 Ok Reg 1590, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-7-18. [RESERVED]

[Source: Reserved at 34 Ok Reg 5, eff 8-12-16 (emergency); Reserved at 34 Ok Reg 1011, eff 9-11-17]

165:59-7-19. Competitive Bidding

(a) In the interest of fostering a fair and open bidding process from all qualified bidders eligible to receive OUSF funding under the Oklahoma Telecommunications Act, the following are requirements for requests for bids:

(1) The bidder must be an Eligible Provider, as defined in 17 O.S. § 139.102.

(2) Bidding shall not be structured in a manner to exclude carriers eligible to receive OUSF funding where the OUSF Beneficiary is located.

(A) The bid request must require ineligible services be priced separately from OUSF eligible services.

(B) The bid request shall not require that the Internet and WAN be provided by the same Eligible Provider.

(C) To avoid bid structuring, the bid request shall clearly identify the requested bandwidth range, inclusive of the eligible bandwidth limit, of the OUSF Beneficiary, and shall include a minimum and a maximum bandwidth at standard available levels as suggested in guidelines promulgated by the FCC or Commission rules.

(b) Bids must contain all costs to provide the Special Universal Services. Any bid containing estimated costs, other than fees and taxes to be paid to a third party, will be disregarded as not meeting the bid requirements.

(c) If the bid consists of multiple locations, each location must be specifically identified.

(d) Bidders are presumed to know statutory requirements for contracts for public entities; bids that do not conform to requirements for public entities may be disregarded.

(e) An existing contract, selected by the OUSF Beneficiary for comparison to received bids, shall be considered as being submitted during the same bidding period as the awarded bid.

(f) Services that are funded by the OUSF are to be competitively bid at least every five (5) years. If an OUSF Beneficiary fails to seek and accept competitive bids at or before the expiration of the five (5) year period, continued funding will be subject to the Administrator's discretion in accordance with 17 O.S. § 139.109.1(B)(9) and may require the filing of a new Request for OUSF Funding before funding can continue.

(g) OUSF Beneficiaries that claim to be exempt from the requirement to seek competitive bids, under 17 O.S. § 139.109.1(B)(1), must provide the statutory basis for the mandatory exemption, and provide all relevant evidence to support such exemption as part of the funding request.

[Source: Added at 34 Ok Reg 5, eff 8-12-16 (emergency); Added at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-7-20. [RESERVED]

[Source: Reserved at 34 Ok Reg 5, eff 8-12-16 (emergency); Reserved at 34 Ok Reg 1011, eff 9-11-17]

165:59-7-21. Installation, Construction, and Special Construction

(a) The OUSF will fund reasonable installation and special construction charges. These charges shall be evaluated for purposes of the OUSF Administrator's analysis of lowest cost reasonable qualifying bid selection by the OUSF Beneficiary as part of the overall bid pricing and funding evaluation, and will be amortized as follows:

(1) For schools and libraries, over a one (1) year period, unless the bid allocates the construction over multiple years and is approved pursuant to state or federal law.

(2) For telemedicine, over the lifetime of the contract, not to exceed five (5) years.

(b) Upon request by the OUSF Beneficiary, during the preapproval process, the OUSF Administrator's analysis of lowest cost reasonable qualifying bid may allocate special construction

charges over the period selected in the special construction cost analysis in (c) in order to consider long term cost effectiveness to the OUSF.

(c) Special Construction Cost:

(1) Prior to posting the request for bids, the OUSF Beneficiary is required to seek OUSF Administrator review of any bid evaluation criteria for any projects involving special construction cost. Review of the request for bids and bid evaluation criteria does not guarantee approval of funding.

(2) Cost effectiveness evaluation for projects with special construction cost may extend up to five (5) years.

(3) If special construction is funded, special construction will not be available again to the location(s) specified for the period used in the analysis.

(4) Special construction costs will not be included in monthly recurring costs.

(5) Eligible providers that receive special construction cost funding for installation shall maintain or reduce monthly recurring costs.

(d) Any affected party, as defined in 17 O.S. § 139.106(D)(5), may file a request for reconsideration within fifteen (15) calendar days of the OUSF administrative preapproval funding letter or Determination, as applicable, being filed by the Administrator, by following the procedures in OAC 165:59-3-72.

[Source: Added at 34 Ok Reg 5, eff 8-12-16 (emergency); Added at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

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.	Oklahoma Lifeline Service Program
165:59-9-4.	[RESERVED]
165:59-9-5.	Recertification of Lifeline eligibility
165:59-9-6.	Retention of Lifeline eligibility records

PART 3. ADMINISTRATION OF THE OKLAHOMA LIFELINE FUND

165:59-9-11.	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

165:59-9-21.	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, that are consistent with 17 O.S. §§ 139.105 and 139.107.

(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 17 O.S. § 139.105, and 47 CFR §§ 54.400 through 54.415, are provided financial assistance, pursuant to the Oklahoma Telecommunications Act.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 19 Ok Reg 2017, eff 7-1-02; Amended at 30 Ok Reg 1591, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-9-2. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-3. Oklahoma Lifeline Service Program

(a) The Oklahoma Lifeline Service Program is a program designed to operate in conjunction with the Federal Lifeline program, to provide a monthly credit to the monthly bill of qualifying residential subscribers for basic local exchange service, in an amount equal to such amount as may be established by 17 O.S. § 139.105.

(b) In order to qualify for the Oklahoma Lifeline Service Program, a customer must meet all applicable requirements of 47 CFR §§ 54.400 through 54.422 and/or 17 O.S. § 139.105.

(c) Each eligible local exchange telecommunications service provider shall file tariffs implementing a Lifeline Service Program that is consistent with this Subchapter.

(d) Lifeline Assistance shall not be available on a retroactive basis to the customers.

(e) Upon notification to the eligible local exchange telecommunications service provider, the credit will be discontinued for customers who no longer qualify for Lifeline Assistance.

- (f) Lifeline Service benefits are applicable only to the primary line at the customer's principal residence. An applicant for Lifeline Service may report only one address in the state as the principal place of residence.
- (g) As a participant in Lifeline Assistance, customers will be eligible to receive Toll Restriction Service at no charge.
- (h) Each eligible local exchange 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.
- (i) The wireless eligible local exchange telecommunications service provider must provide access to its own customer service department by dialing 611 from the wireless handset or have a toll free number for contacting the eligible local exchange telecommunications service provider programmed in the phone and clearly identified.
- (j) All enrollment in any Lifeline Services from any outdoor mobile location shall be governed by OAC 165:55-23-16.
- (k) Any wireless handset provided in conjunction with the Lifeline Service must clearly and permanently identify the provider of the service.
- (l) An eligible local exchange telecommunications service provider may not provide Lifeline Service purely by resale without a Commission order.
- (m) An approved Lifeline tariff may not be modified without submitting the modification to the OLF Administrator at least fifteen (15) calendar days prior to the effective date of the proposed change for the purpose of receiving a determination whether the modification is in the public interest. Unless the eligible local exchange telecommunications service provider receives written notification that its modification is NOT IN THE PUBLIC INTEREST within fifteen (15) calendar days after its submission, the submission is deemed to be in the public interest and may be implemented.
- (n) The eligible local exchange telecommunications service provider shall utilize a third party verification system that has been approved by the OLF Administrator to verify the customer's identity and address, or obtain a waiver from the OLF Administrator from this requirement.
- (o) The eligible local exchange telecommunications service provider must retain a copy of the signed application for Lifeline Service, and any recertification information for five (5) years.
- (p) The eligible local exchange telecommunications service provider shall maintain a database sufficient to identify any duplicates among all companies associated with the eligible local exchange telecommunications service provider.
- (q) Unless otherwise approved by Commission Order, any Lifeline plan on Tribal Land must include a minimum of one thousand (1,000) minutes of local voice use or unlimited domestic calling, to be considered in the public interest. Any Lifeline plan on non-Tribal Land must include a minimum of five-hundred (500) minutes of local voice use to be considered in the public interest.
- (r) All marketing efforts must clearly identify the eligible local exchange telecommunications service provider actually providing the Lifeline Service.
- (s) In addition to other remedies available to the Commission, violations of the marketing rules may result in a minimum of a thirty (30) days suspension of an eligible local exchange telecommunications service provider's ability to sign up new customers and/or a fine as authorized by 17 O.S. § 139.105 after notice and hearing.
- (t) The eligible local exchange telecommunications service provider seeking reimbursement from the OLF for the provisioning of Lifeline services shall also note on the certified written statement

obtained from the customer the name of the employee or representative who verified the customer's eligibility for Lifeline service and the type of documentation reviewed.

(u) Prior to obtaining money from the OLF, an eligible local exchange telecommunications service provider must show compliance with 17 O.S. § 139.105(E).

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 19 Ok Reg 2017, eff 7-1-02; Amended at 28 Ok Reg 2262, eff 7-25-11; Amended at 30 Ok Reg 1591, eff 7-11-13; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-9-4. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-5. Recertification of Lifeline eligibility

Each eligible local exchange telecommunications service provider, eligible to receive Lifeline support from the Oklahoma Lifeline Fund and/or the federal Lifeline Fund shall, annually, require each end-user subscriber to recertify confirming their continued eligibility for the State or Federal Lifeline program. The eligible local exchange telecommunications service provider shall retain a copy of the signed recertification form for three (3) years.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-9-6. Retention of Lifeline eligibility records

All records, including the signup form showing proof of eligibility and a report from the third party verification system that shows the identity and address of the Lifeline customer was verified (unless the eligible local exchange telecommunications service provider obtained a waiver from the requirement to utilize a third party verification system) shall be retained by the eligible local exchange telecommunications service provider for a minimum of three (3) years.

[Source: Added at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

PART 3. ADMINISTRATION OF THE OKLAHOMA LIFELINE FUND

165:59-9-11. Administration of the Fund

(a) The Public Utility Division of the Commission shall be the Administrator of the OLF. The administrative function shall be headed by the Administrator, as defined in 17 O.S. § 139.102.

(b) The Administrator may, as necessary, take all actions necessary to fulfill the objectives of the Oklahoma Telecommunications Act, including but not limited to, contracting with a third-party

who has no conflict of interest in the provisioning of telecommunications services for assistance with the 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.

(d) The Administrator and/or contracted agent shall administer the OLF in accordance with this Subchapter and the Oklahoma Telecommunications Act.

(e) The Administrator's or contacted agent's 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 the Contributing Providers 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, 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 Administrator;

(6) Informally resolving disputes;

(7) Independently evaluate and review Requests for OLF Funding within the time frames identified in the Oklahoma Telecommunications Act, make a Determination of the accuracy of the requests, and advise the Eligible Local Exchange Telecommunications Service Provider requesting the funds of the determination of eligibility made by the Administrator; and,

(8) Performing any other duties as required by law, and/or this Chapter.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-9-12. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-13. Audits

(a) The OLF shall be audited annually by a non-OLF independent auditor selected by a committee with input from the State Auditor's Office. The committee shall be selected by the Commission's Director of Administration.

(b) The annual audit should be based on assessed program risk conducted in accordance with standards. It may also include a review of the documentation on file with the eligible local exchange telecommunications service provider regarding eligibility of the end-user to participate in the Lifeline Service Program, whether received during the initial enrollment or during the annual recertification process, and the amounts received by the eligible local exchange telecommunications service provider for reimbursement from the OLF.

(c) The audit may include further objectives as requested by the Commission's Director of Administration, and/or as required by the contract between the OLF and independent auditor.

(d) The cost of audits of the OLF shall be funded by the OLF.

(e) All audit reports, once finalized, shall be provided to the Oklahoma Attorney General.

[Source: Added at 15 Ok Reg 1195, 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-9-14. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-15. Violations

If a contributing provider to the OLF fails or refuses to make a contribution to the OLF as required by the Oklahoma Telecommunications Act and this Chapter, such violation will be resolved consistent with the provisions of OAC 165:59-3-38.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-9-16. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-17. Reporting requirements

Each Contributing Provider to the OLF shall, within thirty (30) calendar 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 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

PART 5. CONTRIBUTIONS AND REIMBURSEMENTS

165:59-9-21. Contributions to the Oklahoma Lifeline Fund

(a) The OLF shall be funded in a competitively neutral manner in accordance with the Oklahoma Telecommunications Act.

(b) Each contributing provider, whether they are subject to the jurisdiction of the Commission or not, shall annually provide contact information to the OLF Administrator for the purpose of correspondence regarding contribution to the OLF. The submission of an annual report to the Commission shall be deemed sufficient for compliance with this paragraph.

(c) Each telecommunications carrier providing wholesale telecommunications services to VoIP providers in Oklahoma will annually provide the identity, to include address, of each such VoIP

provider(s) to the OLF Administrator as available. While the names of the VoIP providers may be made publicly available, all information with regard to the reporting telecommunications carrier will be treated as confidential.

(d) The contributing provider must certify to the truth and accuracy of data used to determine the contributing provider's contribution amounts. The OLF Administrator may verify any information used by the contributing provider in its determination of its contributions to the OLF. Contributing providers shall maintain records and documentation to justify information used in its determination of its contributions to the OLF for three (3) years, and shall provide such records and documentation to the OLF Administrator upon request. Inaccurate or untruthful information used by the contributing provider may lead to prosecution to the full extent of the law.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-9-22. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-23. Amount of contribution

(a) The OLF Administrator or contracted agent shall, consistent with 165:59-3-40, and based on the adjusted amount to be contributed to the OLF, independently evaluate and calculate the contribution required to be made to the OLF by each contributor, based on the fund level established by the Commission sufficient to recover the costs of administration and payments for Requests for OLF Funding as provided by the Oklahoma Telecommunications Act.

(b) The funding from each contributing provider shall be based on the total intrastate retail Oklahoma Interconnected Voice over Internet Protocol revenues and intrastate telecommunications revenues, from both regulated and unregulated services, of the contributing provider, herein after referred to as assessed revenues, as a percentage of all revenues of the contributing providers, or such other assessment methodology not inconsistent with federal law. Interconnected VoIP services shall be assessed only as provided for in the decision of the Federal Communications Commission, FCC 10-185, released November 5, 2010, or such other assessment methodology that is not inconsistent with federal law.

(c) For Interconnected VoIP services, contributing providers shall, consistent with the methodology of the FCC, identify intrastate retail revenue subject to the OUSF/OLF assessment through 1) direct assignment; 2) a company-specific traffic study; or 3) the inverse of the FCC safe harbor calculation, currently 35.1%. A contributing provider must file an application with the Commission and receive approval to utilize any methodology other than the safe harbor calculation.

(d) The fiscal reporting year shall be July 1 through June 30.

(e) Each contributing provider shall pay its contribution directly to the OLF Administrator, or contracted agent, as directed by the OLF Administrator, on a monthly or annual basis, conditioned upon an annual revenue threshold established by the OLF Administrator.

(f) If the contributing provider qualifies to pay its contribution annually, payment shall be made at the beginning of the fiscal year, and is past due after August 31. If the contributing provider

underestimates its annual contribution by 15% or greater, the contributing provider shall be required to make its contributions monthly for the next fiscal reporting year, and underpayments will be subject to interest.

(g) If the contributing provider qualifies to pay its contribution monthly, the contributing provider shall report the prior calendar month's revenues, and pay on those revenues, by the end of the month, each month, without skipping a month.

(h) Interest shall be charged on any payment not received by the reporting due date at the rate of 1.5% monthly.

(i) The payment shall be payable to the OLF. All contributions and interest payments shall be deposited into the OLF account established by the OLF Administrator and/or contracted agent.

(j) All contributions shall be subject to audit by the OLF Administrator, or its contracted agent.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 16 Ok Reg 2360, eff 7-1-99; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-9-24. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-25. Procedures for requesting reimbursement from the OLF

(a) Any Eligible Local Exchange Telecommunications Service Provider required to file 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 shall independently evaluate and review the Request and supporting documentation and, as appropriate, pay the applicable amount to the Eligible Local Exchange Telecommunications Service Provider, as provided in the Oklahoma Telecommunications Act.

(c) An Eligible Local Exchange Telecommunications Service Provider seeking reimbursement of eligible Lifeline Service Program credits from the OLF shall:

(1) File a "Request for OLF Funding" with the Commission's Court Clerk.

(2) Concurrent with filing the Request for OLF Funding, the Eligible Local Exchange Telecommunications Service Provider shall provide copies of the Request for OLF Funding to the Administrator and the Oklahoma Attorney General.

(d) An Eligible Local Exchange Telecommunications Service Provider 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 Eligible Local Exchange Telecommunications Service Provider. An Eligible Local Exchange Telecommunications Service Provider 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 Eligible Local Exchange Telecommunications Service Provider.

(e) The Administrator and/or contracted agent shall independently evaluate, review, and determine the accuracy of the complete request and issue a Determination of the eligibility for funds, which details the amount of funding recoverable from the OLF, within ninety (90) calendar days. Simultaneously with the Administrator or contracted agent advising the Eligible Local Exchange

Telecommunications Service Provider and parties to the case, the Administrator or contracted agent shall file the written Determination with the Commission's Court Clerk.

(f) Any affected party may file a Request for Reconsideration within fifteen (15) calendar days of the Determination being filed by the Administrator, by following the procedures in OAC 165:59-3-72.

(g) Any Request for Reconsideration will be processed using the provisions set forth in OAC 165:59-3-72.

(h) 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 in accordance with the Oklahoma Telecommunications Act and this Chapter. The Administrator or contracted agent shall provide the approved funding to the requesting Eligible Local Exchange Telecommunications Service Provider, consistent with the procedures in OAC 165:59-3-73.

(i) 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 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 28 Ok Reg 2263, eff 7-25-11; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17; Amended at 41 Ok Reg 1915, eff 9-1-24]

165:59-9-26. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1914, eff 7-1-98]

165:59-9-27. Recovery of contribution

Each contributing provider to the OLF may recover its contributions to the OLF consistent with 17 O.S. § 139.105. The OLF recovery received by each eligible local exchange telecommunications service provider shall be subject to an annual true-up. 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 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 32 Ok Reg 23, eff 8-27-15; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]

165:59-9-28. [RESERVED]

[Source: Reserved at 15 Ok Reg 1195, eff 1-6-98 (emergency); Reserved at 15 Ok Reg 1915, eff 7-1-98]

165:59-9-29. Resolution of disputes regarding contributions

The resolution of disputes regarding the OLF shall be consistent with the procedures set forth in OAC 165:59-3-34.

[Source: Added at 15 Ok Reg 1195, eff 1-6-98 (emergency); Added at 15 Ok Reg 1915, eff 7-1-98; Amended at 34 Ok Reg 5, eff 8-12-16 (emergency); Amended at 34 Ok Reg 1011, eff 9-11-17]