

LEGISLATIVE BILL 660

Approved by the Governor June 3, 1997

Introduced by Kristensen, 37; Bruning, 3; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16

AN ACT relating to telecommunications; to amend sections 70-625, 75-109, 75-604, 75-609.01, 86-801 to 86-803, 86-806, 86-808, 86-809, and 86-811, Reissue Revised Statutes of Nebraska; to eliminate a restriction on public power districts; to define and redefine terms; to change provisions relating to telecommunication service rates and regulation, local competition, and universal service; to authorize and enforce a federal act; to provide powers and duties; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 70-625, Reissue Revised Statutes of Nebraska, is amended to read:

70-625. Subject to the limitations of the petition for its creation and all amendments thereto, a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business. No district may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. New models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five percent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market.

In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may sell, lease, and service satellite television signal descrambling or decoding devices, satellite television programming, and equipment and services associated with such devices and programming, except that nothing in this section shall authorize public power districts (1) to operate as contract or common carriers engaged in furnishing communication services for hire in Nebraska intrastate commerce; (2) to provide signal descrambling or decoding devices or satellite programming to any location (a) being furnished such devices or programming on April 24, 1987, or (b) where community antenna television service is available from any person, firm, or corporation holding a franchise pursuant to sections 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on April 24, 1987, or (3) (2) to sell, service, or lease C-band satellite dish systems or repair parts.

Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act.

Sec. 2. Section 75-109, Reissue Revised Statutes of Nebraska, is amended to read:

75-109. (1) Except as provided in sections 19-4603, 86-803, and 86-808, the commission shall regulate and exercise general control as provided by law over all common carriers, which term is hereby defined as all carriers, including contract carriers, engaged in the transportation of freight or passengers for hire or furnishing communication services for hire in Nebraska intrastate commerce.

(2) The commission is authorized to do all things reasonably necessary and appropriate to implement the federal Telecommunications Act of 1996, Public Law 104-104, including section 252 of the act which establishes specific procedures for negotiation and arbitration of interconnection agreements between telecommunications companies. Interconnection agreements approved by the commission pursuant to section 252 of the act may contain such enforcement mechanisms and procedures that the commission determines to be consistent with the establishment of fair competition in Nebraska telecommunications markets. The authority granted to the commission pursuant to this subsection shall be broadly construed in a manner consistent with the federal Telecommunications Act of 1996.

Sec. 3. Section 75-604, Reissue Revised Statutes of Nebraska, is amended to read:

75-604. (1) Except as provided in section 86-805, no person, firm, partnership, limited liability company, corporation, cooperative, or association shall offer any telecommunications service or shall construct new telecommunications facilities in or extend existing telecommunications facilities into the territory of another telecommunications company for the purpose of providing any telecommunications service without first making an application for and receiving from the commission a certificate of convenience and necessity, after due notice and hearing under the rules and regulations of the commission. Before granting a certificate of convenience and necessity, the commission shall find that: (a) The territory in which the applicant proposes to offer telecommunications service is not receiving reasonably adequate telecommunications service; (b) the portion of the territory of another telecommunications company in which or into which the applicant proposes to construct new facilities or extend its existing facilities is not and will not within a reasonable time receive reasonably adequate telecommunications service from the telecommunications company already serving the territory; or (c) the application is agreeable to the subscriber or subscribers and to all telecommunications companies involved in the matter, will not create a duplication of facilities, and is in the interest of the public and the party or parties requiring telecommunications service.

(2) The commission may waive applicability of subsection (1) of this section as to the provision of intra-LATA interexchange services by duly adopted and promulgated rules and regulations applicable to all telecommunications companies providing such services, and after such waiver, certification for and provision of intra-LATA interexchange services shall be governed by the statutes, rules, and regulations for certification for and provision of inter-LATA interexchange services.

Sec. 4. Section 75-609.01, Reissue Revised Statutes of Nebraska, is amended to read:

75-609.01. (1) Telephone carriers which serve less than five thousand subscribers within the state percent of the state's subscriber lines in the aggregate statewide shall not be subject to rate regulation by the commission pursuant to section 75-609 unless (a) the carrier elects by action of its board of directors to be subject to such rate regulation by the commission, (b) the proposed increase exceeds thirty percent in any one year, (c) five percent of the subscribers petition the commission to regulate rates pursuant to subsections (2) ~~to~~ through (4) of this section, or (d) the commission declares that the carrier shall be subject to rate regulation by the commission pursuant to subsection (5) of this section.

(2) Each such telephone carrier not subject to rate regulation shall, at least sixty ninety days before the effective date of any proposed rate change, notify the commission and each of the carrier's subscribers of the proposed rate change. Notice to the commission shall include a list of the carrier's published subscribers. Notice by the carrier to all subscribers shall be in a form prescribed by the commission, shall be by first-class mail, and shall include a schedule of the proposed rates, the effective date of the rates, and the procedure necessary for the subscribers to petition the commission to determine rates in lieu of the proposed rates. ~~If the telephone directory published by the carrier for its subscribers sets forth the procedure for petitioning the commission, a reference to the location in the directory shall be adequate notice of the procedure.~~

(3) The subscribers of a telephone carrier not subject to the commission's rate regulation may petition the commission to determine rates in lieu of any rate change proposed by the carrier pursuant to subsection (2) of this section. A petition substantially in compliance with the rules and regulations of the commission shall not be deemed invalid due to minor errors in its form.

(4) If, by the effective date of the carrier's proposed rate change, the commission has received petitions from fewer less than five percent of the subscribers requesting that the commission determine rates, the commission shall certify such fact to the carrier and the carrier's proposed rates shall become effective as published in the notice to subscribers. If, on or before the effective date of the proposed rate change, the commission has received petitions from five percent or more of the subscribers requesting that the commission determine rates, the commission shall notify the carrier that it will determine rates for the carrier in lieu of the carrier's proposed rate change. Rates established by the commission or by a telephone carrier pursuant to subsections (2) ~~to~~ through (4) of this section shall be in force for at least one year.

(5) In addition to the procedure for petition prior to any proposed

rate change pursuant to subsections (2) ~~to~~ through (4) of this section, the subscribers of a telephone carrier not subject to the commission's rate regulation may at any time petition the commission to declare that the carrier shall be subject to such rate regulation. If the commission determines that at least fifty-one percent of a carrier's subscribers have properly petitioned that the carrier be subject to the commission's rate regulation, the commission shall certify such fact to the carrier and thereafter the carrier shall be subject to rate regulation by the commission until at least fifty-one percent of the carrier's subscribers properly petition that the carrier no longer shall be subject to the commission's rate regulation.

Sec. 5. Section 86-801, Reissue Revised Statutes of Nebraska, is amended to read:

86-801. The Legislature declares that it is the policy of the state to:

- (1) Preserve affordable telecommunications services;
- (2) Maintain and advance the efficiency and availability of telecommunications services;
- (3) Ensure that consumers pay only reasonable charges for telecommunications services; and
- (4) Promote diversity in the supply of telecommunications services and products throughout the state; and
- ~~(5) Promote fair competition in all Nebraska telecommunications markets in a manner consistent with the federal act.~~

Sec. 6. Section 86-802, Reissue Revised Statutes of Nebraska, is amended to read:

86-802. For purposes of sections 75-109, 75-604, 75-609, ~~75-609.01,~~ and 86-801 to 86-811, unless the context otherwise requires:

- (1) Basic local exchange rate ~~shall mean~~ means the flat monthly charge for an access line, whether the service is provided on a flat or measured basis, imposed by a telecommunications company for basic local exchange service, but ~~shall does~~ not include any charges or taxes imposed by or resulting from action by a federal agency or taxes imposed by a governmental body which are billed by a telecommunications company to its customers;
- (2) Basic local exchange service ~~shall mean~~ means the access and transmission of two-way switched voice communications within a local exchange area;
- (3) Business service ~~shall mean~~ means telecommunications service which is used for occupational, professional, or institutional purposes;
- ~~(4) Class of subscribers means a group of customers for which a telecommunications company has established a distinct pricing plan for telecommunications service;~~
- ~~(4) (5) Commission shall mean~~ means the Public Service Commission;
- ~~(5) (6) Extended area service area shall mean~~ means a grouping of telecommunications service which groups two or more exchanges which allows to allow subscribers of one exchange in the group to place and receive two-way switched communications to and from subscribers in one or more other exchanges in the group without an interexchange toll charge;
- ~~(7) Federal act means the federal Communications Act of 1934, as amended, including the federal Telecommunications Act of 1996, Public Law 104-104;~~
- ~~(6) (8) Interexchange service shall mean~~ means the access and transmission of communications between two or more local exchange areas, except for two-way switched communications between local exchanges that are included in the same grouped for extended area service; ~~area;~~
- ~~(7) (9) Inter-LATA interexchange services shall mean~~ service means interexchange telecommunications services service originating and terminating in different LATAs;
- ~~(8) (10) Intra-LATA interexchange services shall mean~~ service means interexchange telecommunications services service originating and terminating that originate and terminate within the same LATA;
- ~~(9) (11) LATA shall mean~~ means local access transport area as defined by applicable federal law, rules, or regulations;
- ~~(10) (12) Local exchange area shall mean~~ means a territorial unit established by a telecommunications company for the administration of communications services telecommunications service within a specific area generally encompassing a city, town, or village and its environs as described in maps filed with and approved by the Public Service Commission;
- ~~(11) (13) Residence service shall mean~~ means telecommunications service which is furnished to a dwelling and which is used for personal or domestic purposes and not for business, professional, or institutional purposes; and

(14) Telecommunications means the transmission, between or among points specified by the subscriber, of information of the subscriber's choosing, without a change in the form or content of the information as sent or received;

(15) Telecommunications company shall mean means any person, firm, partnership, limited liability company, corporation, association, or governmental entity offering communications services to the public for hire telecommunications service for a fee in Nebraska intrastate commerce; and

(16) Telecommunications service means the offering of telecommunications for a fee.

Sec. 7. Section 86-803, Reissue Revised Statutes of Nebraska, is amended to read:

86-803. (1) Except as provided in sections 86-801 to 86-811, telecommunications companies shall be subject to regulation by the commission. Telecommunications companies shall not, however, be subject to any rate regulation by the commission except as provided in sections 75-609.01 and 86-801 to 86-811 and shall not be subject to provisions as to rates and charges prescribed in Chapter 75, articles 1 and 6, except as otherwise provided in sections 75-609.01 and 86-801 to 86-811. In an exchange in which local competition exists, telecommunications - Telecommunications companies shall, instead, file rate lists for their all telecommunications services which shall be effective after ten days' notice to the commission, with the exception of monthly rates for basic local exchange services:

(2) Except as provided in subsection (4) of this section, monthly In an exchange in which local competition does not exist, telecommunications companies shall file rate lists which, for all telecommunications service except for basic local exchange rates, shall be effective after ten days' notice to the commission. In such exchanges, basic local exchange rates may be increased changed by a telecommunications company only after sixty ninety days' notice to all affected subscribers. Such notice of increase shall include (a) the reasons for the rate increase, (b) a description of the affected service, (c) an explanation of the right of the subscriber to petition the commission for a public hearing on the rate increase, (d) a list of exchanges which are affected by the proposed rate increase, and (e) the dates, times, and places for the public informational meetings required by this section. A telecommunications company which proposes to increase its basic local exchange rate rates shall hold at least one public informational meeting in each public service commissioner district as established by section 75-101.01 in which there is an exchange affected by the increase. it provides basic local exchange service prior to the effective date of the rate increase. If the telecommunications company presently charges different rates for residential or business basic service among various exchanges, increases or decreases in basic local exchange rates need not be uniform for all exchanges until all residential basic local exchange rates are fully equalized and all business basic local exchange rates are fully equalized. Thereafter, the amount of any increase or decrease in a business basic local exchange rate or residential basic local exchange rate made pursuant to this section shall be the same for all business service subscribers or for all residential service subscribers within the local service area of the telecommunications company making such increase or decrease. For purposes of this section, local service area shall mean the total area within the state for which a basic local exchange service is provided by a telecommunications company.

(3) The commission shall review basic Basic local exchange rates set increased by any telecommunications company pursuant to subsection (2) of this section shall be reviewed by the commission only upon formal complaint signed by (a) five percent of all affected subscribers if the telecommunications company has up to fifty thousand access lines in service affected by the increase, (b) three percent of all affected subscribers if the telecommunications company has fifty thousand but not more than two hundred fifty thousand access lines in service affected by the increase, or (c) two percent of all affected subscribers if the telecommunications company has more than two hundred fifty thousand access lines in service affected by the increase. The complaint shall specifically set forth the particular rate or charge as to which review is requested, the reasons for the requested review, and the relief which the complainants desire. If a proper complaint is presented to the commission within sixty ninety days from the date notice of the rate change was sent to affected subscribers of a telecommunications company that has up to fifty thousand access lines in service or within one hundred twenty days from the date notice of the rate change was sent to affected subscribers of a telecommunications company that has fifty thousand or more access lines in service, the commission shall accept and file the complaint and, upon proper notice, may suspend the rates and charges at issue

during the pendency of the proceedings and reinstate the rates and charges previously in effect and shall hold and complete a hearing thereon within ninety days after filing to determine if the rates as proposed are fair, just, and reasonable. The commission may, within sixty days after close of the hearing, enter an order adjusting the rates and charges at issue, except that the commission may shall not set any rate or charge below the actual cost of providing such service, which may include a reasonable profit, as established by the evidence received at the hearing. In such order, the commission may order a refund of amounts collected in excess of the rates and charges as approved at the hearing which may be paid as a credit against billings for future services. A

In an exchange in which local competition does not exist, a telecommunications company shall not increase its basic local exchange rates without the approval of the commission for six months from the date the commission enters such order. If the commission fails to enter any order if the complaint is denied, the commission shall enter an order denying the complaint within sixty days after the close of the hearing, the complaint shall be deemed denied and the rates and charges shall be deemed approved for all purposes, including for purposes of appeal.

For purposes of this section, actual cost shall also include a ratable portion of administrative expenses and overhead incurred by the telecommunications company in its operations and the appropriate amortization of previously deferred accounting costs.

(4) A Notwithstanding the provisions of subsections (2), (3), and (8) of this section, a telecommunications company may at any time file an application with the commission requesting the commission to prescribe fair, just, and reasonable rates for the company or such telecommunications company may elect to proceed, if eligible, under section 75-609.01. Such proceedings shall be governed by Chapter 75, articles 1 and 6, and shall not be limited by subsection (2) of this section. Any rate so set may thereafter be adjusted as provided in subsections (1) and (2) and (3) of this section.

(5) In setting rates for interexchange services, telecommunications companies that provide such services shall continue to average their rates for all such services on a statewide basis unless the commission, upon application and hearing, orders otherwise. This subsection shall not prohibit volume discounts or other discounts based on reasonable business purposes. With regard to interexchange telecommunications services, nothing in sections 86-801 to 86-811 shall preempt or affect any right, liability, cause of action, duty, or obligation arising from any law with regard to unfair business practices or anticompetitive activity.

(6) No telecommunications company shall be required to deaverage its wholesale basic local exchange rates to reflect the differences in the costs of providing basic local exchange service in the various exchanges that the company serves until the retail basic local exchange rates for those exchanges are also deaveraged or until funds are disbursed to that telecommunications company from federal or state universal service or high-cost funds to offset the higher-than-average costs which that company incurs in serving high-cost exchanges.

(7) ~~(6)~~ The commission shall retain quality of service regulation over the services provided by all telecommunications companies and shall investigate and resolve subscriber complaints concerning quality of telecommunications service, subscriber deposits, and disconnection of service. If such complaint cannot be resolved informally, then, upon petition by the subscriber, the commission shall set the matter for hearing in accordance with the commission's rules and regulations for notice and hearing and may by order render its decision granting or denying in whole or in part the subscriber's petition or provide such other relief as is reasonable based on the evidence presented to the commission at the hearing. Any such order of the commission may be enforced against any telecommunications company as provided in sections 75-140 to 75-145 and may be appealed.

(7) Except as provided in subsection (4) of this section (8) In an exchange where local competition does not exist, the commission may, on its own motion, review basic local exchange rates of any telecommunications company if the company has increased such rates by more than ten percent within any consecutive twelve-month period. The commission shall hold and complete a hearing on such rates within ninety days after first giving notice of such hearing to the telecommunications company to determine if the rates as proposed are fair, just, and reasonable. The commission may, within sixty days after close of the hearing, enter an order adjusting the rates and charges at issue, except that the commission may shall not set any rate or charge below the actual cost of providing such service, which may include a reasonable profit, as established by the evidence received at the hearing. In

such order, the commission may order a refund of amounts collected in excess of the rates and charges as approved at the hearing which may be paid as a credit against billings for future services. If the commission fails to enter any order within sixty days after the close of the hearing, the rates and charges shall be deemed approved for all purposes, including for purposes of appeal. For purposes of this subsection, actual cost shall also include a ratable portion of administrative expenses and overhead incurred by the telecommunications company in its operations and the appropriate amortization of previously deferred accounting costs.

(9) Notwithstanding any other provisions of this section providing procedures governing review of basic local exchange rate increases, when a telecommunications company files a rate list to increase its basic local exchange rates by more than ten percent within any consecutive twelve-month period, the commission shall conduct only the limited review provided in this subsection if (a) such increase, when considered together with all other rate changes which the telecommunications company proposes to implement simultaneously with the basic local exchange rate increase, does not increase the telecommunications company's aggregate annual revenue resulting from such rate changes in this state by more than one percent and (b) the basic local exchange rates specified in the rate list do not exceed the telecommunications company's actual cost of providing basic local exchange service to the affected subscribers.

A telecommunications company filing rate lists in accordance with the procedures provided in this subsection shall submit to the commission with such filing: (i) Documentation to demonstrate that the combined effect of the proposed rate changes, in the aggregate, will not increase such company's annual revenue resulting from such rate changes in this state by more than one percent and (ii) if the commission so requires, documentation to demonstrate that the proposed basic local exchange rates do not exceed such company's actual cost of providing such service to the affected subscribers.

The commission shall hold a public hearing to receive evidence concerning the basic local exchange rate increase proposed by the telecommunications company. Unless an extension is granted, such hearing shall be held within sixty days after the date on which the rate list providing for such increase was filed with the commission or, if the commission requires further documentation to be filed with the rate list filing, within sixty days after the date of receipt by the telecommunications company of notice for further documentation from the commission. The commission upon its own motion may grant a one-time, thirty-day extension for the hearing date. If the telecommunications company presents evidence at the hearing that such increase is in accordance with the requirements of this subsection, not more than sixty days after the close of such hearing the commission shall enter an order approving or disapproving the proposed basic local exchange rate increase and, if approved, the revised basic local exchange rates shall become effective upon the entry of such order.

(10) (8) The commission may order that flat rate services shall be available whenever measured service is implemented and that for such services the price restrictions prescribed in sections 86-801 to 86-811 shall be retained. Measured service shall mean means basic local exchange service, the rate for which is a combination of a flat rate access line charge plus usage charges which may be based upon number of calls, length of call, distance, and time of day.

(9) (11) The commission shall approve the disposition of revenue resulting from decreases in federal or state income taxes or property taxes due to a tax law change that results in a reduction in the tax liability of a telecommunications company of twenty percent or more in any taxable year. Any telecommunications company so affected shall file a plan with the commission proposing the disposition of the revenue at the same time that it files its annual report with the commission. The commission shall schedule a public hearing within thirty days of after the filing of the plan or the plan shall be deemed approved.

(10) Rates being charged by telecommunications companies on January 17, 1987, shall be deemed to be the effective rates until changed or altered pursuant to sections 86-801 to 86-811.

(11) (12) No telecommunications company may change its basic local exchange rate within ninety days after entry of a final order adjusting such rate pursuant to subsections (4) and (7) (8) of this section.

(12) (13) Any order of the commission entered pursuant to authority granted in sections 86-801 to 86-811 may be appealed by any party to the proceeding in accordance with sections 75-136 to 75-139.

(14) No telecommunications company that obtains at wholesale rates basic local exchange service from another telecommunications company that is

available at retail to a specific class of subscribers shall offer such service to a different class of subscribers.

(15) The commission shall not mandate any arrangement that requires interconnecting telecommunications companies to engage in mutual recovery of costs through offsetting of reciprocal obligations. This subsection shall not prohibit telecommunications companies from entering voluntary agreements to engage in such an agreement.

(16) Local competition shall be deemed to exist in an exchange if a telecommunications company files an application with the commission requesting a determination as to whether local competition exists in one or more exchanges specified in the application and the commission enters an order after public notice and a hearing which determines that local competition exists in such exchange or exchanges. The commission may, on its own motion at any time after a determination as to whether local competition exists, reexamine and redetermine the determination after notice and a hearing on the issue. Notwithstanding any other provision of Chapter 86, article 8, the commission may consider any wireless telecommunications services provided in the exchange or exchanges when determining whether local competition exists. The notice of the hearing on the telecommunications company's application shall be given once each week for two consecutive weeks in a newspaper of general circulation in the affected area and shall state that a determination of local competition may result in the freeing of the telecommunications company from rate regulation by the commission. The notice of the hearing on the commission's motion shall be sent to the telecommunications company by certified mail, return receipt requested, and notice of such hearing shall be published in a newspaper of general circulation in the exchange area. The hearing on the commission's motion shall be held no sooner than ten days after the receipt of notice to the telecommunications company.

Sec. 8. Section 86-806, Reissue Revised Statutes of Nebraska, is amended to read:

86-806. No A telecommunications company may offer special incentives, discounts, packaged offerings, temporary price waivers, or other promotions and may introduce new services and discontinue existing services by filing rate lists which shall be effective after ten days' notice to the commission. However, no telecommunications company which provides intrastate interexchange service or basic local exchange service may abandon or otherwise discontinue such service in or to a local exchange area which it serves unless:

(1) The commission finds upon application and hearing that one or more other telecommunications companies are furnishing comparable service to the subscribers in such local exchange area at the time of abandonment; and

(2) The telecommunications company discontinuing service to such local exchange area:

(a) Notifies its subscribers in the local exchange area in writing of the abandonment, which notice shall be sent at least thirty days prior to the effective date of such abandonment;

(b) Refunds any unused prepaid subscription charges or other unused prepaid charges to each customer in the local exchange area prior to the effective date of the abandonment; and

(c) Prior to the effective date of the abandonment, reimburses its customers in the local exchange area for service charges which its customers incur in obtaining substitute service from another telecommunications company or, in lieu thereof, pays other telecommunications companies directly for such service charges on behalf of its customers making changes in their services as a result of the abandonment.

Sec. 9. Section 86-808, Reissue Revised Statutes of Nebraska, is amended to read:

86-808. (1) Except as provided in subsection (2) of this section, the The commission shall not regulate the following:

(a) ~~(1)~~ One-way broadcast or cable television transmission of television or radio signals; and

(b) ~~(2)~~ Mobile radio services, radio paging services, and cellular services wireless telecommunications service.

(2) The commission, consistent with the federal act, shall require every provider of telecommunications services to contribute to any universal service mechanism established by the commission pursuant to state law.

Sec. 10. Section 86-809, Reissue Revised Statutes of Nebraska, is amended to read:

86-809. Sections 75-109, 75-604, 75-609, 75-609.01, and 86-801 to 86-811 shall preempt and prohibit any regulation of a telecommunications company by counties, cities, villages, townships, or any other local governmental entity.

Sec. 11. Section 86-811, Reissue Revised Statutes of Nebraska, is amended to read:

86-811. If any telecommunications company violates any provision of sections 75-109, 75-604, ~~and 75-609~~, and 75-609.01 or 86-801 to 86-810, any interested person may petition the district court of the county in which such alleged violation has occurred. If it appears to the court, after a hearing, that a provision of such sections has been violated, the court may issue an injunction or other proper process to restrain the telecommunications company and its directors, officers, employees, or agents from continuing such violation and may order additional relief. Any party to the case shall have the right to appeal the decision of the district court to the Court of Appeals under the rules provided by law for appeals in civil cases.

Sec. 12. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 13. Original sections 70-625, 75-109, 75-604, 75-609.01, 86-801 to 86-803, 86-806, 86-808, 86-809, and 86-811, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 14. Since an emergency exists, this act takes effect when passed and approved according to law.