

## LEGISLATIVE BILL 633

Approved by the Governor April 1, 1982

Introduced by Clark, 47

AN ACT to amend sections 75-126 and 75-128, Reissue Revised Statutes of Nebraska, 1943, relating to telephone companies; to change provisions relating to rates and services as prescribed; and to repeal the original sections.

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

Section 1. That section 75-126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-126. (1) Except as otherwise provided in this section, no common carrier shall:

(a) Charge, demand, collect, or receive from any person a greater or ~~less~~ lesser compensation for any services rendered than it charges, demands, collects, or receives from any other person for doing a like or contemporaneous service;

(b) Make or give any undue or unreasonable preference or advantage to any particular person;

(c) Subject any type of traffic to any undue or unreasonable prejudice, delay, or disadvantage in any respect whatsoever; Provided, that all types of perishable freight and livestock shall have precedence in shipment;

(d) Charge or receive any greater compensation in the aggregate for the transportation of a like kind of property or passengers for a shorter than for a longer distance over the same line or route, except as the commission may prescribe in special cases to prevent manifest injuries; Provided, that no manifest injustice shall be imposed upon any person at intermediate points; and provided further, that nothing herein shall prevent the commission from making group or emergency rates;

(e) Demand, charge, or collect, by any device whatsoever, a lesser or greater compensation for any service rendered than that filed with or prescribed by the commission; or

(f) Change any rate, schedule, or classification in any manner whatsoever before application has been made to the commission and permission granted for that

purpose, except as otherwise provided in section 75-128.

(2) Nothing contained in this section shall prohibit any common carrier from, and no common carrier shall be subject to any fine, penalty, or forfeiture for, performing services free or at reduced rates to:

(a) The United States, the State of Nebraska, or any governmental subdivision thereof;

(b) Any person transporting property to and from fairs and expositions for exhibition thereat;

(c) The employees, both present and retired, of such common carrier;

(d) Any person wherein the object is to provide relief in case of any calamitous visitation;

(e) Any person transporting property for charitable purposes; or

(f) Ministers and others giving their entire time to religious or charitable work.

Sec. 2. That section 75-128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-128. It is hereby declared to be the policy of the Legislature that all matters presented to the commission be heard and determined without delay. All matters requiring a hearing shall be set for hearing at the earliest practicable date and in no event, except for good cause shown, which showing shall be recited in the order, shall the time fixed for hearing be more than six months after the date of filing of the application, complaint, or petition on which such hearing is to be had. Except as otherwise provided in section 75-121 and except for good cause shown, a decision of the commission shall be made and filed within thirty days after completion of the hearing or after submission of affidavits in nonhearing proceedings. Applications for commission approval of specific new rates or charges or changes in existing rates or charges for telephone service which have not been heard and determined within six months and thirty days from the date the application was filed may be put into effect by the common carrier, in an amount not to exceed seventy-five per cent of the total amount of the application, subject to refund of any amount collected in excess of the amount which would have been collected under the new or changed rates or charges as finally approved by the commission. When making its



final determination on the application, the commission shall not consider the rates and charges of the company put into effect pending such final determination. This section shall not apply to rates or charges placed into effect under the provisions of section 75-616. In the case of any proceeding upon which a hearing is held, the transcript of testimony shall be prepared and submitted to the commission prior to entry of an order, except that it shall not be necessary to have prepared prior to commission decision the transcripts of testimony on hearings involving noncontested proceedings and hearings involving emergency rate applications under the provisions of section 75-125. For each application, complaint, or petition filed with the Public Service Commission, except those filed under the provisions of sections 75-301 to 75-335, there shall be charged a filing fee to be determined by the commission, but in an amount not to exceed the sum of fifty dollars payable at the time of such filing.

Sec. 3. That original sections 75-126 and 75-128, Reissue Revised Statutes of Nebraska, 1943, are repealed.