

COMMITTEE STATEMENT

procedures of the Public Service Commission, reforming its rules with respect to *ex parte* communications and open meetings laws.

The Bill Contains the Following Elements

1. New language is added to Nebraska statutes that prohibits, during a contested case, commissioners, staff or agents of the Public Service Commission from having *ex parte* communications with parties having an interest in the outcome of the contested case.
2. A new provision dealing with “executive staff sessions” for the Public Service Commission, in which the PSC could engage in education, gather technical information, and engage in informed debate in a session closed to the public. In order to invoke this provision, the PSC would have to find that at least two of the following four conditions apply:
 - (a) There has been sworn testimony taken (or required);
 - (b) There are matters of technical, economic or scientific complexity under consideration that are beyond the expertise of the public or commissioners;
 - (c) Parties have submitted written testimony on the matter being considered; or
 - (d) The matter is one of unusual technical complexity.
3. In § 75-609, the ability to review access charges is expanded so that the PSC can, on its own motion, review these access charges; language is added which emphasizes that this section must be administered in accordance with federal laws. In addition, two new subsections are added to § 75-609, doing the following: (a) requiring long distance companies to pass on to their customers in a manner that is “fair and reasonable” any reductions to access charges they must pay in Nebraska, and (b) defining access charges for purposes of this section.
4. In § 86-1405, explicit authority to issue orders administering the Universal Service Fund is added. In addition, the PSC is given the power to withhold all or a portion of funds from companies that are not complying with its orders with respect to Universal Service.
5. LB 514 outright repeals § 86-1411 (The Sunset Date for the Nebraska Telecommunications Universal Service Fund Act).
6. The Bill has the emergency clause attached.

EXPLANATION OF COMMITTEE AMENDMENT

The provisions dealing with executive staff sessions have been clarified, thus Section 2 of the bill is replaced. *First*, it is clarified that expert consultants with which the commission may consult during an executive staff session are those consultants hired by the commission. *Second* it is made clear that if this provision is used, there is no violation of the Open Meetings Law found at 84-1410 through 84-1414. *Third*, the commission is given the power to continue the executive staff session without public notice, but is specifically prohibited from taking formal action unless an open meeting is held (with public notice).

Senator