

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 722**

Introduced by Schrock, 38

Read first time January 19, 2005

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to electricity; to define terms; to provide for  
2 use of public power infrastructure; to provide  
3 applicability; to provide a duty for the Revisor of  
4 Statutes; and to provide severability.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. For purposes of sections 1 to 4 of this act:

2           (1) Broadband service means a digital service having the  
3 capability of supporting, in both the provider-to-customer and  
4 customer-to-provider directions, a speed or bandwidth in excess of  
5 two hundred kilobits per second;

6           (2) Electric utility infrastructure means any poles,  
7 structures, duct lines, conduit, power lines, or other facilities  
8 or equipment used or useful to transmit or distribute electric  
9 energy;

10          (3) Information service facility means any equipment,  
11 structure, or material used or useful in providing broadband  
12 service to or within the premises of customers of a public power  
13 supplier;

14          (4) Public power supplier means a public power district,  
15 a public power and irrigation district, a municipality, a  
16 registered group of municipalities, an electric cooperative, an  
17 electric membership association, a joint entity formed under the  
18 Interlocal Cooperation Act, a joint public agency formed under the  
19 Joint Public Agency Act, an agency formed under the Municipal  
20 Cooperative Financing Act, or any other governmental entity  
21 providing electric service; and

22          (5) Utility information services means meter reading,  
23 outage detection, demand-side management, and other information  
24 services related to supplying electric service that may be provided  
25 using the electric utility infrastructure or information service  
26 facilities of a public power supplier.

27          Sec. 2. Notwithstanding any other provision of law, any  
28 public power supplier may:

1           (1) Use any electric utility infrastructure or  
2 information service facility that it owns, operates, or controls to  
3 provide utility information services for a fee or charge to its  
4 customers and install, own, operate, maintain, and use information  
5 service facilities in connection with providing utility information  
6 services or electric service to its customers; and

7           (2) Enter into any lease, license, or other agreement,  
8 for a fee or charge determined by the public power supplier, to use  
9 the public power supplier's electric utility infrastructure or  
10 information service facilities to provide broadband service to  
11 customers of a public power supplier.

12           Sec. 3. Any service provided by a public power supplier  
13 to its customers pursuant to section 2 of this act shall be  
14 governed and regulated solely by the governing body of the public  
15 power supplier.

16           Sec. 4. Sections 1 to 3 of this act shall be liberally  
17 construed to effectuate their purposes. The provisions of sections  
18 1 to 3 of this act are independent of and supplemental to any other  
19 applicable provisions of law, petition for creation, or charter.

20           Sec. 5. The Revisor of Statutes shall assign sections 1  
21 to 4 of this act within Chapter 70.

22           Sec. 6. If any section in this act or any part of any  
23 section is declared invalid or unconstitutional, the declaration  
24 shall not affect the validity or constitutionality of the remaining  
25 portions.