

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 330

Introduced by Schimek, 27; Howard, 9; Hudkins, 21;

Read first time January 11, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Telecommunications Regulation
2 Act; to amend sections 86-101 and 86-103, Revised
3 Statutes Cumulative Supplement, 2006; to define terms;
4 to provide powers and duties to the Public Service
5 Commission regarding wireless carriers as prescribed;
6 to harmonize provisions; and to repeal the original
7 sections.

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

1 Section 1. Section 86-101, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 86-101 Sections 86-101 to 86-163 and sections 3 to 6
4 of this act shall be known and may be cited as the Nebraska
5 Telecommunications Regulation Act.

6 Sec. 2. Section 86-103, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 86-103 For purposes of the Nebraska Telecommunications
9 Regulation Act, unless the context otherwise requires, the
10 definitions found in sections 86-104 to 86-121 and sections 3 and
11 4 of this act apply.

12 Sec. 3. Service agreement means an oral or written
13 agreement between a wireless carrier and a customer, specifying the
14 wireless telecommunications service to be provided to the customer
15 and the terms and conditions for the provision of such service.

16 Sec. 4. Wireless carrier means (1) any carrier of
17 commercial mobile service as defined in 47 U.S.C. 153 and 332,
18 as such sections existed on January 1, 2002, and as referenced
19 in 47 C.F.R. 20.18, as such section existed on January 1, 2002,
20 or (2) any cellular licensee, personal communications licensee, or
21 specialized mobile radio carrier as referenced in 47 C.F.R. 20.18,
22 as such section existed on January 1, 2002.

23 Sec. 5. (1) Notwithstanding section 86-124, the
24 commission may resolve a dispute between a customer and a wireless
25 carrier regarding a service agreement or bill.

1 (2) If a dispute between a customer and a wireless
2 carrier occurs regarding a service agreement or bill, the carrier
3 shall promptly investigate the dispute and report the findings
4 to the customer. During the investigation, the carrier shall not
5 disconnect service if the customer pays the portion of the bill not
6 in dispute.

7 (3) If the investigation does not resolve the dispute,
8 then, upon petition of either the customer or the wireless carrier,
9 the commission shall set the matter for hearing in accordance with
10 the commission's rules and regulations for notice and hearing. The
11 commission may take any of the following actions based upon the
12 evidence present at the hearing:

13 (a) Order payment or discharge of the disputed bill;

14 (b) Order the disputed service agreement voided; or

15 (c) Impose an administrative fine on the wireless carrier
16 pursuant to section 75-156.

17 (4) An order of the commission may be enforced as
18 provided in sections 75-140 to 75-144 and may be appealed by either
19 party. The appeal shall be in accordance with the Administrative
20 Procedure Act.

21 Sec. 6. Nothing in sections 3 to 5 of this act shall give
22 the commission the authority to regulate entry, rates charged, or
23 placement of facilities by a wireless carrier or any other matter
24 not relating to disputes between a wireless carrier and a customer
25 regarding a service agreement or bill, except as otherwise provided

1 by federal or state law.

2 Sec. 7. Original sections 86-101 and 86-103, Revised

3 Statutes Cumulative Supplement, 2006, are repealed.