

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 560

Introduced by Fischer, 43

Read first time January 17, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to telecommunications regulation; to amend
2 sections 86-125 and 86-140, Revised Statutes Cumulative
3 Supplement, 2006; to provide for the regulation of
4 communications providers as prescribed; to define a
5 term; to change provisions relating to access charge
6 regulation; to provide an operative date; to repeal the
7 original sections; and to declare an emergency.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-125, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 86-125 Notwithstanding the provisions of section 86-124:

4 (1) A ~~wireless carrier~~ All communications providers
5 providing ~~telecommunications~~ service in Nebraska shall file
6 a registration form with and pay a registration fee to the
7 Public Service Commission. A ~~wireless carrier which provided~~
8 communications provider which provides such telecommunications
9 service prior to ~~January 1, 2003,~~ August 1, 2007, and which
10 continues to provide such ~~telecommunications~~ service on and after
11 ~~January 1, 2003,~~ August 1, 2007, shall register with the commission
12 ~~prior to April 1, 2003-~~ no later than January 1, 2008. Any
13 ~~wireless carrier~~ communications provider which begins to provide
14 ~~telecommunications~~ service in Nebraska on or after ~~January 1,~~
15 ~~2003,~~ August 1, 2007, shall register with the commission prior to
16 providing such ~~telecommunications~~ service. ~~+~~

17 (2) The commission shall prescribe the registration form-
18 ~~It to be filed pursuant to this section. Communications providers~~
19 ~~as designed in subdivision (8)(a) of this section shall include-~~
20 provide:

21 (a) The name, address, telephone number, and
22 email address of a contact person concerning the Nebraska
23 Telecommunications Universal Service Fund Act and related
24 surcharges, if applicable;

25 (b) The name, address, telephone number, and email

1 address of a contact person concerning the Telecommunications
2 Relay System Act and related surcharges, if applicable;

3 (c) The name, address, telephone number, and email
4 address of a contact person concerning the Enhanced Wireless
5 911 Services Act and related surcharges, if applicable; and

6 (d) The name, address, telephone number, and email
7 address of a contact person concerning consumer complaints and
8 inquiries. +

9 (3) Communications providers as defined in subdivision
10 (8)(b) of this section shall provide the commission with the name,
11 address, telephone number, and email address of a person with
12 managerial responsibility for Nebraska operations.

13 ~~(3)~~ (4) The wireless carrier communications provider
14 shall submit a registration fee with at the time of submission
15 of the registration form. The commission shall set the fee by
16 ~~rule and regulation~~ in an amount sufficient to cover the costs
17 of administering the registration process but not to exceed fifty
18 dollars. +

19 ~~(4)~~ (5) The wireless carrier communications provider
20 shall keep the information required by this section current and
21 shall notify the commission of any changes to such information
22 within sixty days after the change. +

23 ~~(5)~~ (6) The commission may administratively fine pursuant
24 to section 75-156 any wireless carrier communications provider
25 which violates this section. + ~~and~~

1 ~~(6)~~ (7) This section applies to all communications
2 providers providing service in Nebraska except for those
3 communications providers otherwise regulated under the Nebraska
4 Telecommunications Regulation Act. For purposes of this section,
5 wireless carrier means any person offering mobile radio service,
6 radio paging service, or wireless telecommunications service for a
7 fee in Nebraska intrastate commerce.

8 (8) For purposes of this section, communications provider
9 means any entity that:

10 (a) Uses telephone numbers or Internet protocol
11 addresses or their functional equivalents or successors to provide
12 information of a user's choosing by aid of wire, cable, wireless,
13 satellite, or other like connection, whether part of a bundle
14 of services or offered separately (i) which provides or enables
15 real-time or interactive voice communications and (ii) in which the
16 voice component is the primary function; or

17 (b) Provides any service, whether part of a bundle
18 of services or offered separately, used for transmission of
19 information of a user's choosing regardless of the transmission
20 medium or technology employed, that connects to a network that
21 permits the end user to engage in electronic communications,
22 including, but not limited to, service provided directly (i) to
23 the public or (ii) to such classes of users as to be effectively
24 available directly to the public.

25 Sec. 2. Section 86-140, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 86-140 (1) Access charges imposed by telecommunications
3 companies for access to a local exchange network for interexchange
4 service shall be negotiated by the telecommunications companies
5 involved. Any affected telecommunications company may apply for
6 review of such charges by the commission, or the commission may
7 make a motion to review such charges. Upon such application or
8 motion and unless otherwise agreed to by all parties thereto,
9 the commission shall, upon proper notice, hold and complete a
10 hearing thereon within sixty days of the filing. The commission
11 may, within ~~sixty~~ ninety days after the close of the hearing, enter
12 an order setting access charges which are fair and reasonable.
13 The commission shall set an access charge structure for each
14 local exchange carrier but may order discounts where there is not
15 available access of equal type and quality for all interexchange
16 carriers, except that the commission shall not order access charges
17 which would cause the annual revenue to be realized by the local
18 exchange carrier from all interexchange carriers to be less than
19 the annual costs, as determined by the commission based upon
20 evidence received at hearing, incurred or which will be incurred by
21 the local exchange carrier in providing such access services. Any
22 actions taken pursuant to this subsection shall be substantially
23 consistent with the federal act and federal actions taken under its
24 authority.

25 (2) Reductions made to access charges pursuant to

1 subsection (1) of this section shall be passed on to the customers
2 of interexchange service carriers in Nebraska whose payment of
3 charges ~~have~~ has been reduced. The commission shall have the power
4 and authority to (a) ensure that any access charge reductions made
5 pursuant to subsection (1) of this section are passed on in a
6 manner that is fair and reasonable and (b) review actions taken
7 by any telecommunications company to ensure that this subsection
8 is carried out.

9 (3) For purposes of this section, access charges means
10 the charges paid by telecommunications companies to local exchange
11 carriers in order to originate and terminate calls using local
12 exchange facilities.

13 Sec. 3. This act becomes operative on August 1, 2007.

14 Sec. 4. Original sections 86-125 and 86-140, Revised
15 Statutes Cumulative Supplement, 2006, are repealed.

16 Sec. 5. Since an emergency exists, this act takes effect
17 when passed and approved according to law.