

## LEGISLATIVE BILL 183

Approved by the Governor February 11, 2010

Introduced by Fischer, 43.

FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-101, Reissue Revised Statutes of Nebraska; to provide requirements for the sale of an exchange by a telecommunications company; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original section.

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

Section 1. Section 86-101, Reissue Revised Statutes of Nebraska, is amended to read:

86-101 Sections 86-101 to 86-163 and section 2 of this act shall be known and may be cited as the Nebraska Telecommunications Regulation Act.

Sec. 2. (1) A telecommunications company that proposes to sell any exchange owned by the company shall submit an application to the commission on a form provided by the commission for approval of the sale. Within twenty days after receipt of the application, the commission shall publish notice of the proposed sale in a newspaper of general circulation in each county in which an exchange proposed for sale provides basic local exchange service. The notice shall inform the residents of this state of their right to file a petition of intervention or submit a comment. Such filing or submission shall occur within fifteen days after publication of the notice. The telecommunications company shall reimburse the commission for the cost of such publication.

(2) In approving or rejecting the application, the commission shall consider the protection of the public interest and to the extent applicable to the exchange proposed to be sold, (a) the adequacy of local telephone service, (b) the reasonableness of rates for the local telephone service, (c) the provision of 911 service, enhanced-911 service, and other public safety services, (d) the payment of taxes by the company, and (e) the ability of the telecommunications company to provide modern, state-of-the-art telecommunications services. If the commission does not hold a hearing on the application, it shall issue an order of approval or rejection within forty-five days after the publication of the notice pursuant to subsection (1) of this section. If the commission holds a hearing on the application, it shall issue an order of approval or rejection within one hundred twenty days after the publication of such notice. The order may include conditions that the commission deems necessary to ensure protection of the public interest pursuant to the criteria set forth in this subsection.

(3) For purposes of this section:

(a) Exchange means (i) switching, transmission, and other equipment and (ii) facilities and associated permits, authorizations, service rights, customer contracts, and related assets by which a telecommunications company provides basic local exchange service within a local exchange area; and

(b) Sell or sale means the transfer, for consideration, of title to the assets comprising an exchange. Sell or sale does not include a transaction such as a merger, a consolidation, stock sale, financing transaction, or other non-asset sale transaction.

Sec. 3. Original section 86-101, Reissue Revised Statutes of Nebraska, is repealed.