

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 257
Final Reading

Introduced by Fischer, 43.

Read first time January 11, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Telecommunications Regulation
2 Act; to amend sections 86-143 and 86-144, Reissue Revised
3 Statutes of Nebraska; to change filing requirements for
4 telecommunications companies as prescribed; and to repeal
5 the original sections.

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

1 Section 1. Section 86-143, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 86-143 (1)(a) Except as provided in subdivision (b) of
4 this subsection, in an exchange in which local competition exists,
5 telecommunications companies shall file rate lists for each
6 telecommunications service which shall be effective after ten days'
7 notice to the commission.

8 (b) Notwithstanding any other provision of Chapter 86, a
9 telecommunications company shall not be required to file rate lists,
10 tariffs, or contracts for any telecommunications service, including
11 local exchange and interexchange services, provided as a business
12 service. Upon written notice to the commission, a telecommunications
13 company may withdraw any rate list, tariff, or contract not required
14 to be filed under this subdivision if the telecommunications company
15 posts the rates, terms, and conditions of its telecommunications
16 service on the company's web site.

17 (2) Local competition shall be deemed to exist in an
18 exchange if a telecommunications company files an application with
19 the commission requesting a determination as to whether local
20 competition exists in one or more exchanges specified in the
21 application and the commission enters an order after public notice
22 and a hearing which determines that local competition exists in such
23 exchange or exchanges. Notwithstanding any other provision of the
24 Nebraska Telecommunications Regulation Act, the commission may
25 consider any wireless telecommunications service provided in the

1 exchange or exchanges when determining whether local competition
2 exists.

3 (3) The notice of the hearing on the telecommunications
4 company's application shall be given once each week for two
5 consecutive weeks in a newspaper of general circulation in the
6 affected area and shall state that a determination of local
7 competition may result in the freeing of the telecommunications
8 company from rate regulation by the commission. The notice of the
9 hearing on the commission's motion shall be sent to the
10 telecommunications company by certified mail, return receipt
11 requested, and notice of such hearing shall be published in a
12 newspaper of general circulation in the exchange area. The hearing on
13 the commission's motion shall be held no sooner than ten days after
14 the receipt of notice by the telecommunications company.

15 (4) The commission may, on its own motion at any time
16 after a determination as to whether local competition exists,
17 reexamine and redetermine the determination after notice and a
18 hearing on the issue.

19 Sec. 2. Section 86-144, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 86-144 ~~(1)~~ In (1)(a) Except as provided in subdivision
22 (b) of this subsection, in an exchange in which local competition
23 does not exist, telecommunications companies shall file rate lists
24 which, for all telecommunications service except for basic local
25 exchange rates, shall be effective after ten days' notice to the

1 commission.

2 (b) Notwithstanding any other provision of Chapter 86, a
3 telecommunications company shall not be required to file rate lists,
4 tariffs, or contracts for any telecommunications service, including
5 local exchange and interexchange services, provided as a business
6 service. Upon written notice to the commission, a telecommunications
7 company may withdraw any rate list, tariff, or contract not required
8 to be filed under this subdivision if the telecommunications company
9 posts the rates, terms, and conditions of its telecommunications
10 service on the company's web site.

11 (2) In an exchange in which local competition does not
12 exist, basic local exchange rates may be increased by a
13 telecommunications company only after ninety days' notice to all
14 affected subscribers. Such notice of increase shall include (a) the
15 reasons for the rate increase, (b) a description of the affected
16 telecommunications service, (c) an explanation of the right of the
17 subscriber to petition the commission for a public hearing on the
18 rate increase, (d) a list of exchanges which are affected by the
19 proposed rate increase, and (e) the dates, times, and places for the
20 public informational meetings required by this section.

21 (3) A telecommunications company which proposes to
22 increase its basic local exchange rates shall hold at least one
23 public informational meeting in each public service commissioner
24 district as established by section 75-101.01 in which there is an
25 exchange affected by the proposed rate increase.

1 Sec. 3. Original sections 86-143 and 86-144, Reissue
2 Revised Statutes of Nebraska, are repealed.