

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 257**

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 section 86-143, Reissue Revised Statutes of  
3 Nebraska; to remove a filing requirement for  
4 telecommunications companies as prescribed; and to repeal  
5 the original section.  
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. Original section 86-143, Reissue Revised Statutes  
20 of Nebraska, is repealed.