

## LEGISLATIVE BILL 268

Approved by the Governor April 24, 2019

Introduced by Friesen, 34.

A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend section 86-136, Reissue Revised Statutes of Nebraska; to change a provision relating to the filing of an application for a certificate of convenience and necessity; and to repeal the original section.  
Be it enacted by the people of the State of Nebraska,

Section 1. Section 86-136, Reissue Revised Statutes of Nebraska, is amended to read:

86-136 Upon the completion of the hearing on such an application made pursuant to section 86-135, if a hearing is required, the commission may grant the application, in whole or in part, if the evidence establishes the following:

(1) That such applicant is not receiving, and at the time of the application is not able to receive, ~~will not within a reasonable time receive,~~ ~~reasonable~~ advanced telecommunications capability service from the telecommunications company which furnishes telecommunications service in the local exchange area in which the applicant resides;

(2) That the revision of the exchange service area required to grant the application is economically sound, will not impair the capability of any telecommunications company affected to serve the remaining subscribers in any affected exchanges, and will not impose an undue and unreasonable technological or engineering burden on any affected telecommunications company; and

(3) That the applicant is willing and, unless waived by the affected telecommunications company, will pay such construction and other costs and rates as are fair and equitable and will reimburse the affected telecommunications company for any undepreciated investment in existing property as determined by the commission. The amount of any payment by the applicant for construction and other costs associated with providing service to the applicant may be negotiated between the applicant and the affected telecommunications company.

Sec. 2. Original section 86-136, Reissue Revised Statutes of Nebraska, is repealed.