

AMENDMENTS TO LB338

Introduced by Transportation and Telecommunications.

1           1. Strike original section 1 and insert the following new section:

2           Section 1. Section 86-330, Revised Statutes Cumulative Supplement,  
3           2020, is amended to read:

4           86-330 (1) Based on consumer complaints or upon its own motion, the  
5           Public Service Commission may open a docket to consider the  
6           implementation and operation of a funding redirection ~~reverse auction~~  
7           program that awards funding to broadband Internet service providers to  
8           support high-speed Internet infrastructure deployment projects in  
9           unserved or underserved exchanges within the State of Nebraska. The  
10          commission may, in its discretion, withhold funding from the Nebraska  
11          Telecommunications Universal Service Fund to any telecommunications  
12          company that has not served, to the commission's satisfaction, those  
13          areas with service that meets the criteria for successful investment of  
14          funding from the Nebraska Telecommunications Universal Service Fund.

15          (2) The commission shall adopt and promulgate rules and regulations  
16          that establish standards governing the withholding of funding from the  
17          Nebraska Telecommunications Universal Service Fund from any recipient,  
18          including the provision of notice and the right to a hearing prior to the  
19          issuance of an order withdrawing such funding. If the commission  
20          withdraws funding from the Nebraska Telecommunications Universal Service  
21          Fund from any telecommunications company, the commission may redirect the  
22          withdrawn funding through a reverse auction or rural-based plan to  
23          another eligible telecommunications company ~~use the funding that is~~  
24          ~~withdrawn to implement and operate a reverse auction program~~, except that  
25          any funding that is withdrawn shall be utilized in the exchange area for  
26          which the funding was originally granted. The commission shall have wide  
27          discretion in the design, implementation, and operation of a funding

1 redirection ~~reverse-auction~~ program but may use as a guide the reverse  
2 auction program designed by the Federal Communications Commission in its  
3 Connect America Fund Phase II Auction process.

4 (3)(a) In redirecting funding that has been withheld from an  
5 eligible telecommunications company, the commission may consider rural-  
6 based plans. To qualify for commission consideration, a rural-based plan  
7 shall include an eligible telecommunications company.

8 (b) The commission shall consider rural-based plans based on the  
9 following scoring criteria:

10 (i) The history of the participating eligible telecommunications  
11 company in providing quality and affordable telecommunications and  
12 broadband services in rural areas;

13 (ii) The capability of the eligible telecommunications company to  
14 use the proposed technology to provide broadband services to every  
15 location in the exchange area on a reasonably comparable basis;

16 (iii) The support of local businesses, hospitals, schools, colleges,  
17 agricultural producers, and residents;

18 (iv) Other sources of funding;

19 (v) Partnerships and other cooperative arrangements with local  
20 public power providers;

21 (vi) Partnerships and other cooperative arrangements with local  
22 wireless Internet service providers; and

23 (vii) Cooperation by the incumbent local exchange carrier from which  
24 funding has been withheld.

25 (c) In entering an order redirecting funding, the commission shall  
26 establish a timeline for deployment that includes periodic milestones for  
27 ensuring timely deployment and shall require the eligible  
28 telecommunications company to file reports sufficient to assess  
29 compliance with deployment milestones.

30 (d) The commission shall adopt and promulgate rules and regulations  
31 to carry out this subsection.

1           (4) For purposes of this section, rural-based plan means a proposal  
2 for redirecting funding as described in this section which is made by  
3 rural residential and business users of telecommunications and broadband  
4 services in high-cost areas of the exchange.