

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 914

Introduced by Bostelman, 23.

Read first time January 10, 2022

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Public Service Commission; to define
- 2 terms; to require the commission to create and maintain a location
- 3 fabric broadband access map and broadband data repository as
- 4 prescribed; to require compliance by certain entities; to provide
- 5 for annual reporting; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) For purposes of this section:

2 (a) Served area means a geographical area of the state which has
3 broadband service providing access to the Internet at speeds equal to or
4 greater than one hundred megabits per second for downloading and twenty
5 megabits per second for uploading;

6 (b) Serviceable location shall mean any residence, dwelling,
7 business, or building where an entity provides or may provide broadband
8 services;

9 (c) Underserved area means a geographical area of the state which
10 lacks broadband service providing access to the Internet at speeds of at
11 least one hundred megabits per second for downloading and twenty megabits
12 per second for uploading; and

13 (d) Unserved area means a geographical area of the state which lacks
14 broadband service providing access to the Internet at speeds of at least
15 twenty-five megabits per second for downloading and three megabits per
16 second for uploading.

17 (2) On or before July 1, 2024, the Public Service Commission shall
18 create and maintain an official Nebraska location fabric broadband access
19 map showing broadband availability and quality of service for all
20 serviceable locations in Nebraska and create and maintain a repository
21 for broadband data and information in Nebraska that includes:

22 (a) Download and upload speeds advertised and experienced;

23 (b) Areas that are deemed to be served areas, underserved areas, and
24 unserved areas;

25 (c) The types of Internet service and technologies available
26 including, but not limited to, wireless, fiber optic cable, coaxial
27 cable, and satellite;

28 (d) The number of available entities providing broadband services
29 and the price of available broadband services;

30 (e) The locations of broadband infrastructure currently projected
31 for construction through federal, state, or local funding sources; and

1 (f) Any other factors the commission may deem relevant.

2 (3) The commission may contract with private parties to create,
3 improve, and maintain the map and repository, and shall maximize the use
4 of federal funding when developing and implementing this section. The
5 commission may collect from providers of broadband services any
6 information necessary to establish and update the map. Any information
7 provided to the commission by a provider of broadband services pursuant
8 to this section that is confidential, proprietary, or a trade secret as
9 defined in section 87-502 shall be treated as such by the commission.

10 (4) Any recipient of support from the Nebraska Telecommunications
11 Universal Service Fund shall comply with the provisions of this section.
12 Any grant recipient under the Nebraska Broadband Bridge Act, including
13 any entity that operates as an eligible telecommunications carrier in
14 Nebraska as defined in section 86-1302 that wishes to participate in the
15 Broadband Bridge Program created under section 86-1303, either directly
16 or as a challenging party under section 86-1307, shall comply with the
17 provisions of this section. Any grant recipient of federal broadband
18 funding administered by the Public Service Commission shall comply with
19 the provisions of this section.

20 (5) After the Federal Communications Commission completes the
21 national Broadband Serviceable Location Fabric and accompanying National
22 Broadband Availability Map, the Public Service Commission shall annually
23 evaluate whether the continued maintenance of an annually updated
24 Nebraska location fabric broadband access map in accordance with this
25 section is necessary. The Public Service Commission shall report its
26 annual findings pursuant to this subsection to the Transportation and
27 Telecommunications Committee of the Legislature.

28 Sec. 2. Since an emergency exists, this act takes effect when
29 passed and approved according to law.