

AMENDMENTS TO LB683
(Amendments to AM1142)

Introduced by Bostar, 29.

1 1. Insert the following new sections:

2 Sec. 18. Section 86-125, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 86-125 Notwithstanding the provisions of section 86-124:

5 (1) Any All communications provider providers providing service in
6 Nebraska shall file a registration form with and pay a registration fee
7 to the Public Service Commission. ~~A communications provider which~~
8 ~~provides such service prior to August 1, 2007, and which continues to~~
9 ~~provide such service on and after August 1, 2007, shall register with the~~
10 ~~commission no later than January 1, 2008.~~ Any communications provider
11 ~~which begins to provide service in Nebraska on or after August 1, 2007,~~
12 shall register with the commission prior to providing such service. The
13 commission shall prescribe the registration form to be filed pursuant to
14 this section;

15 (2) A communications provider providing the services described in
16 ~~The commission shall prescribe the registration form to be filed pursuant~~
17 ~~to this section. Communications providers as defined in subdivision (7)~~
18 ~~(a) (8)(a) of this section shall provide the commission with the~~ ~~:(a)~~
19 ~~The name, address, telephone number, and email address of a contact~~
20 ~~person concerning:~~

21 (a) The the Nebraska Telecommunications Universal Service Fund Act
22 and related surcharges, if applicable;

23 ~~(b) The name, address, telephone number, and email address of a~~
24 ~~contact person concerning the Telecommunications Relay System Act and~~
25 ~~related surcharges, if applicable;~~

26 ~~(c) The name, address, telephone number, and email address of a~~

1 ~~contact person concerning the~~ Enhanced Wireless 911 Services Act and
2 related surcharges, if applicable; and

3 ~~(d) Consumer The name, address, telephone number, and email address~~
4 ~~of a contact person concerning consumer~~ complaints and inquiries;

5 ~~(3) A communications provider providing the services described in~~
6 ~~Communications providers as defined in~~ subdivision ~~(7)(b) (8)(b)~~ of this
7 section shall provide the commission with the name, address, telephone
8 number, and email address of a person with managerial responsibility for
9 Nebraska operations;

10 ~~(4) A~~ The communications provider shall:

11 ~~(a) Submit~~ submit a registration fee at the time of submission of
12 the registration form. The commission shall set the fee in an amount
13 sufficient to cover the costs of administering the registration process
14 but not to exceed fifty dollars;

15 ~~(b) Keep (5) The communications provider shall keep~~ the information
16 required by this section current and shall notify the commission of any
17 changes to such information within sixty days after the change; and

18 ~~(c) Certify to the commission by January 1 each year that such~~
19 ~~communications provider does not use or provide any communications~~
20 ~~equipment or service deemed to pose a threat to national security~~
21 ~~identified on the Covered List developed pursuant to 47 C.F.R. 1.50002,~~
22 ~~as such regulation existed on January 1, 2023, and published by the~~
23 ~~Public Safety and Homeland Security Bureau of the Federal Communications~~
24 ~~Commission pursuant to the federal Secure and Trusted Communications~~
25 ~~Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on~~
26 ~~January 1, 2023, and the rules adopted pursuant to such act by the~~
27 ~~Federal Communications Commission on November 11, 2022, in its Report and~~
28 ~~Order FCC 22-84;~~

29 ~~(5) (6) The commission may, pursuant to section 75-156,~~
30 administratively fine pursuant to ~~section 75-156~~ any communications
31 provider which violates this section;

1 (6) ~~(7)~~ This section applies to all communications providers
2 providing service in Nebraska except for those communications providers
3 otherwise regulated under the Nebraska Telecommunications Regulation Act;
4 and

5 (7) ~~(8)~~ For purposes of this section, communications provider means
6 any entity that:

7 (a) Uses telephone numbers or Internet protocol addresses or their
8 functional equivalents or successors to provide information of a user's
9 choosing by aid of wire, cable, wireless, satellite, or other like
10 connection, whether part of a bundle of services or offered separately,
11 (i) which provides or enables real-time or interactive voice
12 communications and (ii) in which the voice component is the primary
13 function; or

14 (b) Provides any service, whether part of a bundle of services or
15 offered separately, used for transmission of information of a user's
16 choosing regardless of the transmission medium or technology employed,
17 that connects to a network that permits the end user to engage in
18 electronic communications, including, but not limited to, service
19 provided directly (i) to the public or (ii) to such classes of users as
20 to be effectively available directly to the public.

21 Sec. 19. Section 86-324, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 86-324 (1) The Nebraska Telecommunications Universal Service Fund is
24 hereby created. The fund shall provide the assistance necessary to make
25 universal access to telecommunications services available to all persons
26 in the state consistent with the policies set forth in the Nebraska
27 Telecommunications Universal Service Fund Act. Only eligible
28 telecommunications companies designated by the commission shall be
29 eligible to receive support to serve high-cost areas from the fund. A
30 telecommunications company that receives such support shall use that
31 support only for the provision, maintenance, and upgrading of facilities

1 and services for which the support is intended. Any such support should
2 be explicit and sufficient to achieve the purpose of the act.

3 (2) Notwithstanding the provisions of section 86-124, in addition to
4 other provisions of the act, and to the extent not prohibited by federal
5 law, the commission:

6 (a) Shall have authority and power to subject eligible
7 telecommunications companies to service quality, customer service, and
8 billing regulations. Such regulations shall apply only to the extent of
9 any telecommunications services or offerings made by an eligible
10 telecommunications company which are eligible for support by the fund.
11 The commission shall be reimbursed from the fund for all costs related to
12 drafting, implementing, and enforcing the regulations and any other
13 services provided on behalf of customers pursuant to this subdivision;

14 (b) Shall have authority and power to issue orders carrying out its
15 responsibilities and to review the compliance of any eligible
16 telecommunications company receiving support for continued compliance
17 with any such orders or regulations adopted pursuant to the act;

18 (c) May withhold all or a portion of the funds to be distributed
19 from any telecommunications company failing to continue compliance with
20 the commission's orders or regulations;

21 (d) Shall withhold support distributed from the fund from any
22 telecommunications company using or providing any communications
23 equipment or service deemed to pose a threat to national security
24 identified on the Covered List developed pursuant to 47 C.F.R. 1.50002,
25 as such regulation existed on January 1, 2023, and published by the
26 Public Safety and Homeland Security Bureau of the Federal Communications
27 Commission pursuant to the federal Secure and Trusted Communications
28 Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on
29 January 1, 2023, and the rules adopted pursuant to such act by the
30 Federal Communications Commission on November 11, 2022, in its Report and
31 Order FCC 22-84. Any telecommunications company that removes,

1 discontinues, or replaces any communications equipment or service
2 identified on the Covered List described in this subdivision in
3 compliance with federal law shall not be required to obtain any
4 additional permits from any state agency or political subdivision in the
5 removal, discontinuance, or replacement of such communications equipment
6 or service as long as the state agency or political subdivision is
7 properly notified of the necessary replacements and the replacement of
8 any communications equipment is similar to the existing communications
9 equipment;

10 (e) ~~(d)~~ Shall require every telecommunications company to contribute
11 to any universal service mechanism established by the commission pursuant
12 to state law. The commission shall require, as reasonably necessary, an
13 annual audit of any telecommunications company to be performed by a
14 third-party certified public accountant to insure the billing,
15 collection, and remittance of a surcharge for universal service. The
16 costs of any audit required pursuant to this subdivision shall be paid by
17 the telecommunications company being audited;

18 (f) ~~(e)~~ Shall require an audit of information provided by a
19 telecommunications company to be performed by a third-party certified
20 public accountant for purposes of calculating universal service fund
21 payments to such telecommunications company. The costs of any audit
22 required pursuant to this subdivision shall be paid by the
23 telecommunications company being audited; and

24 (g) ~~(f)~~ May administratively fine pursuant to section 75-156 any
25 person who violates the Nebraska Telecommunications Universal Service
26 Fund Act.

27 (3) Any money in the fund available for investment shall be invested
28 by the state investment officer pursuant to the Nebraska Capital
29 Expansion Act and the Nebraska State Funds Investment Act.

30 (4) Transfers may be made from earnings on the Nebraska
31 Telecommunications Universal Service Fund to the 211 Cash Fund at the

1 direction of the Legislature. The State Treasurer shall transfer nine
2 hundred fifty-five thousand dollars on July 1 beginning in 2022 from the
3 earnings on the Nebraska Telecommunications Universal Service Fund to the
4 211 Cash Fund.

5 Sec. 20. Section 86-328, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 86-328 (1) Annually the commission shall hold a public hearing to
8 determine the level of the fund necessary to carry out the Nebraska
9 Telecommunications Universal Service Fund Act. The commission shall
10 publish notice of the hearing in at least one newspaper of general
11 circulation in the state at least once each week for two consecutive
12 weeks before the hearing. After the hearing, the commission shall
13 determine the amount of the fund for the following year, including a
14 reasonable reserve. In the initial year of the fund's operation, the
15 commission shall determine the amount of the fund to be equivalent to the
16 amount which, in the commission's judgment, after careful analysis, is
17 necessary to keep approximately ninety-six percent of Nebraska households
18 subscribed to local telecommunications service.

19 (2) In an emergency as determined by the commission, the commission
20 may adjust the level of the fund, but only after a public hearing for
21 such purpose.

22 (3) For purposes of service by a prepaid wireless telecommunications
23 service provider, universal service fund contribution and surcharge
24 obligations shall be governed by the Prepaid Wireless Surcharge Act,
25 except that a prepaid wireless telecommunications service provider shall
26 continue to be subject to the audit requirements in subdivision (2)(e)
27 ~~(2)(d)~~ of section 86-324.

28 Sec. 28. Original section 86-125, Reissue Revised Statutes of
29 Nebraska, and sections 86-324 and 86-328, Revised Statutes Cumulative
30 Supplement, 2022, are repealed.

31 3. On page 16, after line 10 insert the following new subsection:

1 "(4) Beginning January 1, 2025, no applicant shall be eligible to
2 receive a grant if such applicant uses or provides any communications
3 equipment or service deemed to pose a threat to national security
4 identified on the Covered List developed pursuant to 47 C.F.R. 1.50002,
5 as such regulation existed on January 1, 2023, and published by the
6 Public Safety and Homeland Security Bureau of the Federal Communications
7 Commission pursuant to the federal Secure and Trusted Communications
8 Networks Act of 2019, 47 U.S.C. 1601 et seq., as such act existed on
9 January 1, 2023, and the rules adopted pursuant to such act by the
10 Federal Communications Commission on November 11, 2022, in its Report and
11 Order FCC 22-84."

12 4. Renumber the remaining sections and correct internal references
13 accordingly and provide an operative date section so that the sections
14 added by this amendment become operative on January 1, 2025.