

AMENDMENTS TO LB63

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 86-125, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 86-125 Notwithstanding the provisions of section 86-124:

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

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

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

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

27 (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. 2. 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)(i) 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.

1 (ii) Any telecommunications company that removes, discontinues, or
2 replaces any communications equipment or service identified on the
3 Covered List described in subdivision (2)(d)(i) of this section in
4 compliance with federal law shall not be required to obtain any
5 additional permits or authorization from any state agency or political
6 subdivision in the removal, discontinuance, or replacement of such
7 communications equipment or service;

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

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

22 (g) {f} May administratively fine pursuant to section 75-156 any
23 person who violates the Nebraska Telecommunications Universal Service
24 Fund Act.

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

28 (4) Transfers may be made from earnings on the Nebraska
29 Telecommunications Universal Service Fund to the 211 Cash Fund at the
30 direction of the Legislature. The State Treasurer shall transfer nine
31 hundred fifty-five thousand dollars on July 1 beginning in 2022 from the

1 earnings on the Nebraska Telecommunications Universal Service Fund to the
2 211 Cash Fund.

3 Sec. 3. Section 86-328, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 86-328 (1) Annually the commission shall hold a public hearing to
6 determine the level of the fund necessary to carry out the Nebraska
7 Telecommunications Universal Service Fund Act. The commission shall
8 publish notice of the hearing in at least one newspaper of general
9 circulation in the state at least once each week for two consecutive
10 weeks before the hearing. After the hearing, the commission shall
11 determine the amount of the fund for the following year, including a
12 reasonable reserve. In the initial year of the fund's operation, the
13 commission shall determine the amount of the fund to be equivalent to the
14 amount which, in the commission's judgment, after careful analysis, is
15 necessary to keep approximately ninety-six percent of Nebraska households
16 subscribed to local telecommunications service.

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

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

26 Sec. 4. Section 86-1304, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 86-1304 (1)(a) A provider, a cooperative, a political subdivision,
29 or an Indian tribe may apply to the commission for a grant on forms
30 provided by the commission. The grant shall only be used for development
31 costs for a qualifying project. The application shall indicate the

1 project area. The applicant shall provide matching funds equal to fifty
2 percent of the total development costs of the project if located outside
3 a high-cost area, or twenty-five percent of the total development costs
4 of the project if located inside a high-cost area, as such areas are
5 determined by the commission. The matching funds requirement in this
6 subdivision shall not apply to any portion of a grant comprised of
7 federal funds. In order to qualify, the project is required to provide
8 broadband Internet service scalable to one hundred megabits per second
9 for downloading and one hundred megabits per second for uploading, or
10 greater. Applications shall be submitted on or before July 1 for each
11 fiscal year.

12 (b) An application from a political subdivision or an Indian tribe
13 shall be made as part of a public-private partnership with a provider.

14 (2)(a) As part of the application, the applicant shall agree to
15 complete the project within eighteen months after the date the grant is
16 awarded. The commission may permit extensions upon request and for good
17 cause shown.

18 (b) If a grant recipient fails to complete the project by the agreed
19 or extended deadline, as the case may be, the recipient shall repay the
20 grant as provided in this subdivision. If no extension is permitted, ten
21 percent of the grant shall be repaid for each month that the project is
22 not complete after the eighteen-month period, up to one hundred percent
23 of the grant. If an extension is permitted, twenty percent of the grant
24 shall be repaid for each month that the project is not complete after the
25 extension period, up to one hundred percent of the grant.

26 (3)(a) As part of the application, the applicant shall agree to
27 submit the broadband network completed as a result of the grant to speed
28 tests as determined by the commission. The grant recipient shall conduct
29 the speed tests and submit the results to the commission. The speed tests
30 shall be conducted for one week using a random sample of locations of
31 consumers who subscribe to the network completed as a result of the

1 grant.

2 (b) If the broadband network does not provide service at the speeds
3 required pursuant to subdivision (1)(a) of this section according to the
4 speed tests under subdivision (3)(a) of this section, the grant recipient
5 shall be allowed a reasonable time to address the speed deficiencies and
6 conduct a second set of speed tests as described in subdivision (3)(a) of
7 this section. If the broadband network does not provide service at the
8 speeds required pursuant to subdivision (1)(a) of this section according
9 to the second set of speed tests, the grant recipient shall repay the
10 grant.

11 (4) No applicant shall be eligible to receive a grant if such
12 applicant uses or provides any communications equipment or service deemed
13 to pose a threat to national security identified on the Covered List
14 developed pursuant to 47 C.F.R. 1.50002, as such regulation existed on
15 January 1, 2023, and published by the Public Safety and Homeland Security
16 Bureau of the Federal Communications Commission pursuant to the federal
17 Secure and Trusted Communications Networks Act of 2019, 47 U.S.C. 1601 et
18 seq., as such act existed on January 1, 2023, and the rules adopted
19 pursuant to such act by the Federal Communications Commission on November
20 11, 2022, in its Report and Order FCC 22-84.

21 Sec. 5. Original section 86-125, Reissue Revised Statutes of
22 Nebraska, and sections 86-324, 86-328, and 86-1304, Revised Statutes
23 Cumulative Supplement, 2022, are repealed.

24 Sec. 6. Since an emergency exists, this act takes effect when passed
25 and approved according to law.