

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 10, 1999 LB 514

information and there is a dispute before them, and they are acting as the judges to decide what is the fair result of that dispute. That is very similar to a court of law, and as you know a judge in a court of law must be very, very careful, in fact he must not have ex parte communications or communications with the parties outside of each other to discuss the case. And here in the area of telecommunications, we're talking about millions and millions of dollars riding on decisions. We're talking about the interest of the public, the public interests, and we're talking about private interests that are significantly affected. Our proposal is that with respect to a fact or a law at issue in a contested case that any member of the Public Service Commission, any commissioner or staff or agent of the Public Service Commission shall not, during the pendency of any contested case that they are hearing, have any ex parte communication with any party having an interest in the outcome of the contested case. Now the Transportation Committee and I, personally, feel very, very strongly about this because if we're going to place this in the hands of a body such as the Public Service Commission and we expect to have good results, we've got to give them the elbow room to work and we've got to have some reasonable parameters for them to make a good decision with. Now it isn't going...it isn't good policy, I don't think, if I am sitting as a judge of an important issue for me to be holding private audiences with parties who are affected by the outcome in this situation. This takes that away. Now the Public Service Commission supports this proposal. I think they will feel like it is to some extent a load off of their shoulders because as it stands right now there is no prohibition, and the Public Service Commissioners, as you know, are elected people. And I'm sure, as we do, they feel some...they feel some obligation to their constituency to hear them, and certainly the companies who appear before them are part of their constituency. But when it comes to contested cases, and that's what we're talking about here, a contested case, it is appropriate for them not to have ex parte communications. Now let me tell you about the fourth issue. When we started looking at this whole thing last summer and fall and following 414 and talking with different people and the Public Service Commission, and so forth, identifying the most important issues, the other thing we found that was...that we were hearing from the Public Service Commission, themselves, we don't have ample opportunity to