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LB 496

is very full or very crowded, and I think you've addressed a portion of this in your first answer, can the city require a company to use another street right of way, or to offer incentives, if they do so, such as a reduced permit fee?

SPEAKER KRISTENSEN: We have to be careful of re...of...of...

SENATOR BOHLKE: Time. Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Madam President. Members of the Legislature, I think we have to be careful of the reduced permit, just to make sure that it's not done and so it gives a break to somebody and not a break to the other person. We always got to be careful of that competitively neutral, treating one better than the other. But actually I think probably every city hopes that their right of ways are full of all these things, that means they're getting more advanced services. That's sort of the paid political announcement. But the bottom line to it is that while a city can say that the right of way is full, the "telecoms," in my opinion, and under this bill, still have a right to begin that right of way. And so I still refer to my previous answer that you could say where I'm going to be in the right of way, but not necessarily where the right of way is going to be. And that's, I think, a big distinction. If there's greater expense opening it up, because it is fully...you got to do some of this other work, I think you can pass that expense on to the "telecom" company at that point in time. And I would be very leery of giving breaks on the fees, if they're friendly. You know, if they cooperate with us, we'll give them a better deal, because then you get into this competitively neutral violation.

SENATOR TYSON: Yeah. Well, I would point out that the committee amendments specifically states that any action by the city has to be competitively neutral.

SPEAKER KRISTENSEN: Yes, and I think that...and...and that...that's a...

SENATOR TYSON: That might impact on...

SPEAKER KRISTENSEN: ...an FCC.... Right, that's FCC,