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April 22, 1999 LB 150

PRESIDENT MAURSTAD: Senator Bromm, you're recognized to open on your amendment to LB 150, LB...looks like AM1128.

SENATOR BROMM: Thank you, Mr. Lieutenant Governor. Colleagues, I thank Senator Chris Peterson, the primary sponsor of LB 150, for allowing me to introduce this amendment and offer it to you. This amendment is...is of some significance and of, I think, of great importance in the telecommunications regulatory area in the state of Nebraska. On March 19th of this year, I received something in the way of a birthday present that I hadn't planned on. On March 19th, the Nebraska Supreme Court issued an Opinion in the area of telecommunications, which held that since Nebraska statutes did not specifically provide statutory provisions under which the Public Service Commission could regulate telecommunications contract carriers, that the PSC did not have the statutory authority to regulate telecommunications contract carriers. Now why...why is that important? In the way of background, in January of 1997, and I...colleagues, I am giving you a short one-page bullet point handout, but I am going to take a little time to give a little bit of history on this thing because I think it is...it is of relative importance in our state that we address this as promptly as we can. But I want to have as good of understanding as I can of what we're doing. In January of '97, the commission opened a docket, C-1481, on its own motion to determine whether the Nebraska Public Power District, NPPD, was offering intrastate telecommunications services for hire and, therefore, whether it would be subject to the commission's jurisdiction. NPPD was providing distance learning services between Norfolk and South Sioux City, as well as Internet and intranet access for the city of Norfolk. Prior to opening the docket, the commission requested an Opinion from the Nebraska Attorney General as to whether such services constituted telecommunications. The Attorney General concluded, in Opinion 96076, that it had insufficient factual information upon which to make its determination. After notice and hearing, the commission determined that such services were, in fact, telecommunications and were being provided for on a for-hire basis. After reaching its conclusion, the commission requested a second Attorney General Opinion as to whether NPPD was required to receive a certificate of public convenience and necessity before it could