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provide those services. The Attorney General concluded, in 97045 Opinion, that, despite this Legislature's passage of LB 660 in 1997, which removed the statutory prohibition on public power districts providing telecommunication services for hire, that NPPD lacked the statutory authority to provide telecommunications. This absence of authority then precludes the commission from issuing a certificate of convenience and necessity to NPPD. In light of the AG's Opinion, the commission issued an order that NPPD cease and desist from providing these telecommunication services. NPPD appealed to the Nebraska Court of Appeals, and the Supreme Court removed the case and took jurisdiction. Then the court's legal findings were that the commission did not have regulatory authority over contract carriers. In dicta, in the Opinion, the court went on to cite some U.S. Supreme Court cases for the proposition that even if the Legislature had intended the commission to have jurisdiction over contract carriers that it was unconstitutional to treat common and contract carriers the same. The court expressly stated, the Nebraska Supreme Court, that it was not ruling on whether NPPD was statutorily permitted to provide telecommunication services for hire. It didn't reach that...that conclusion. The effect of this Opinion, which was...which reverberated through the telecommunications area as...with the effect of a shock wave, the effect was that the Public Service Commission became concerned primarily for two reasons, and these...these are the reasons why I am offering an amendment, to try to at least temporarily provide some...some authority in this area for the commission. The two reasons that this should be of great concern to our state and to the public that we serve are cherry-picking and the preservation of the Universal Service Fund. Cherry-picking or cream-skimming is when a carrier picks off only the most desirable customers. This will be a concern until rates are rebalanced and the Universal Service Fund is operational. As long as a common carrier service to high-cost customers is supported by implicit subsidies, they will be vulnerable to cherry pickers. The commission is moving toward both rate rebalancing and implementing Universal Service Fund. However, we are not there yet and if, as a result of the Supreme Court decision, cherry-picking were to occur now on a contract basis, then when a legislative solution is adopted I'm afraid we'll have to grandfather in those contract carriers. Now the other reason