

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

April 26, 1999 LB 496

other way, public versus private. There are a lot of private utility companies of one type or another that also have rights-of-way that are valuable. Is that, obviously, correct, right? Now...

SPEAKER KRISTENSEN: That's correct. Yes.

SENATOR BEUTLER: Okay. Now let's look at those two questions. Do public entities who might be engaging in the same business have a right to use the right-of-way of a private company, a private telecommunications company?

SPEAKER KRISTENSEN: And just so I get the question phrased, let's say that you've got company "A" who's a telecom company and they own...they have land or they have a right-of-way. Can a private utility come across them?

SENATOR BEUTLER: No.

SPEAKER KRISTENSEN: Okay.

SENATOR BEUTLER: It's a private utility that has purchased certain rights-of-way out into developing areas. But a public utility of one sort or another who wanted to use that right-of-way, do they have a right to use that right-of-way?

SPEAKER KRISTENSEN: Without the names...and I'm doing the hypothetical...

SENATOR BEUTLER: Well, we...

SPEAKER KRISTENSEN: ...no.

SENATOR BEUTLER: ...we don't have names in this bill, for example. We...

SPEAKER KRISTENSEN: No. But we do...we've limited this to telecommunications. And the reason you've done that...or, we're going to do that, is that the Telecommunications Act of 1996, the federal act, did make statements about rights-of-ways. And so that's the reason it is unique to this. And we want to make clear that, yes, the cities maintain their ability to charge