

## LEGISLATIVE BILL 1004

Approved by the Governor April 15, 2004

Introduced by Baker, 44

AN ACT relating to the Public Service Commission; to amend section 75-112, Reissue Revised Statutes of Nebraska, and section 86-329, Revised Statutes Supplement, 2002; to change provisions relating to commissioners and examiners of the commission; to rename the Nebraska Lifeline Service Program; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 75-112, Reissue Revised Statutes of Nebraska, is amended to read:

75-112. ~~The commissioners and examiners, for the purposes mentioned in sections 75-101 to 75-801 and the State Natural Gas Regulation Act, may administer oaths, compel~~ (1) For purposes of carrying out the powers and duties of the commission related to the subjects under its jurisdiction enumerated in section 75-109.01, each commissioner and examiner of the commission may:

(a) Administer oaths;

(b) Compel the attendance of witnesses;

(c) Examine, examine any of the books, papers, documents, and records of any motor carrier or regulated motor carrier as defined in section 75-302 or common or contract carrier subject to ~~sections 75-101 to 75-801 or~~ the jurisdiction of the commission under section 75-109.01 or any jurisdictional utility or have such examination made by any person that the commission may employ for that purpose;

(d) Compel, compel the production of such books, papers, documents, and records; or

(e) Examine, or examine under oath or otherwise any officer, director, agent, or employee of any such carrier or jurisdictional utility or any other person.

(2) Any person employed by the commission to examine such books, papers, documents, or records shall produce his or her authority, under the hand and seal of the commission, to make such examination.

(3) The commissioners may certify to all official acts of the commission.

Sec. 2. Section 86-329, Revised Statutes Supplement, 2002, is amended to read:

86-329. (1) The commission shall establish the Nebraska Lifeline Service Telephone Assistance Program. The purpose of the Nebraska Lifeline Service Telephone Assistance Program ~~shall be~~ is to promote the provision of universal service to low-income households by local exchange carriers. Support provided by the program shall be specifically targeted to maintain affordable rates for residential basic local exchange services supported by federal and state universal service mechanisms. The commission shall establish means-tested eligibility guidelines and standards for the provision of support from the Nebraska Lifeline Service Program program which are consistent with the Telecommunications Act of 1996 and 47 C.F.R. 54.400 through 54.409, as such act and regulations existed on January 1, 2002.

(2) Any local exchange carrier receiving state universal service support shall be prohibited from disconnecting the basic local exchange service of any customer receiving low-income support from the Nebraska Lifeline Service Program program for the nonpayment of any interexchange toll service charges. The commission may grant limited waivers of this requirement in a manner consistent with 47 C.F.R. 54.400 through 54.409, as such regulations existed on January 1, 2002.

(3) Any person receiving low-income support from the Nebraska Lifeline Service Program program shall be exempt from the payment of any surcharge established by the commission pursuant to the Nebraska Telecommunications Universal Service Fund Act.

Sec. 3. Original section 75-112, Reissue Revised Statutes of Nebraska, and section 86-329, Revised Statutes Supplement, 2002, are repealed.