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

April 28, 2005 LB 645

issue fairly closely, serving on the Transportation and Telecommunications Committee, and I share some of what Senator Smith expressed as his feelings about it. I was particularly struck and wanted to share with you some of the testimony in the Transportation Committee, because I think that it helps us in this discussion, because we are having sort of a two-pronged discussion, a discussion about the technology and then a discussion about the system of delivery and the motivation of some of the people who wish to get involved. Some of the things we've already talked about, the issues around stranded investment, the investment that's been made already, and I certainly don't want to be a troglodyte that is trying to stop us from moving from the horse and carriage to the Model T, but I also think that we have to look at it in terms of the structure And one of the individuals who testified who of delivery. wanted to provide services, and we heard a lot about how this was going to be revolutionary, especially in providing services to underserved areas, and yet what we heard in the testimony was that in the Omaha area they wanted to provide services through BPL to Creighton University and Omaha Public Schools, two entities that are already served by high-speed Internet. And so when you begin to look at it then from the standpoint of how we have dealt with telecom in a regulatory environment, we are going to have this entity that is totally outside of the regulatory structure that we have constructed. How you deal with that? And this idea of cherry-picking, which has been an issue that we've dealt with regulatorily and yet we're not going to have the BPL in the same kind of regulatory environment. And I wondered if Senator Brashear might yield to a question.

SENATOR CUDABACK: Senator Brashear, are you available?

SPEAKER BRASHEAR: Yes, Mr. President, I will.

SENATOR BROWN: In terms of the task force, is looking broadly at the regulatory structure and how we have managed the whole cherry-picking idea, is that going to be something that is going to be looked at, and whether you even would need to bring under the...in some sort of regulation, these entities that might consider to do it, even on a wholesale basis?