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LB 645

SENATOR CHAMBERS: ...so you can see where I'm going.

SPEAKER BRASHEAR: Okay.

SENATOR CHAMBERS: Would that mean they cannot do it in conjunction with some other entity, or does it mean...well, let me let you tell me what it means.

SPEAKER BRASHEAR: Well, specifically, it is prohibiting the concept that Senator Raikes talked about, which is leasing, building infrastructure and leasing it to someone to use competitively, and I'll only elaborate on that if you tell me you want me to, but there's an explanation to go with that.

SENATOR CHAMBERS: Well, how about leasing their poles then for...

SPEAKER BRASHEAR: Well, they do lease the poles. There is...what Senator Raikes said is entirely true in terms of pole attachment agreements, and there's a whole body of law in this area, and the standards are set at the federal power...the federal commission.

SENATOR CHAMBERS: So the state could not prohibit that kind of arrangement even statutorily because of what federal law requires?

SPEAKER BRASHEAR: No. Right. We're not talking here about using the existing plant infrastructure to provide those things.

SENATOR CHAMBERS: I know. But I want to explore beyond what is and see the impact of this bill on what is. The question that I'm putting to you is this. The utilization of public power suppliers' poles by these private telephone companies is covered, or is it not covered, by federal law, which preempts anything the state might do?

SPEAKER BRASHEAR: It is covered by the federal Pole...

SENATOR CUDABACK: One minute.