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

April 4, 2006 LB 1249

answer this problem, because there's no pipes yet. Who should put pipes in that area? Well, LB 78 says, essentially, well, Who would be most efficient? Is it in the who's closest? zoning jurisdiction of a city who has already chosen somebody and they've got their pipes there? It has five criteria, and it says these are the five criteria to decide, in these contested areas, whose pipes should go in the farmer's field for the subdivision that's coming. We've used it for a number of years; it's expensive, it's problematical, but it works. There's one flaw with the problem. You can race to the area, dig up the ground, and lay down a pipe without asking for permission to do so, without proving that it's the right...you're the right person to have it. All you need is the consent of the landowner. Then our LB 78 says, oh, oh, wait a second. Now that we got the pipes in the ground, the other side gets to argue whether or not you're the right place. And you know what? You didn't get a "Mother, may I?" before you did it. You've already done it. Now the question is, Mother, should I have done it, and if I shouldn't have done it, do I have to clean up my mess? And that's the rule that we got now. Mom, do I have to clean up my mess? The second idea in this bill says this: Ask Mother's permission first before you stick the pipes in the ground. That's it. That's all there is. Ask yourself what this mess out in the lobby is all about with those two Number one, follow exactly standard practice for principles. monopolistic infrastructure. Regulate the infrastructure but give service territories -- standard practice in Nebraska already, got lots of history with it. And secondly, ask "Mother, may I?" before you put the pipes in the ground, rather than, Mother, did I make a mistake, and do I have to dig the pipes up, which is our current public policy. That's it. Now out here you will find the death of competition, but notice what that means. How would you have competition, if you didn't have two sets of pipes? We've already decided we don't want two sets of pipes, just like we don't want two electric lines or two telephone poles. You don't want to dig up the ground twice, and you don't want to have them next to each other, and where we do, it's dangerous. It exists already. It exists in Kearney, it exists on the edge of Omaha. It's dangerous, high cost, stupid. We don't want that. So we don't let you build two sets of pipes. We let one pipe, and then we regulate that pipe. We regulate it