

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB755

Hearing Date: January 22, 2008

Committee On: Transportation and Telecommunications

Introducer(s): (Transportation and Telecommunications Committee)

Title: Change Public Service Commission powers and duties

Roll Call Vote - Final Committee Action:

Placed on General File with Amendments

Vote Results:

7 Yes	Senators Aguilar, Fischer, Hudkins, Lautenbaugh, Louden, Schimek, Stuthman
0 No	
1 Absent	Senator Pedersen
0 Present, not voting	

Proponents:

Dusty Vaughan, Introducer

Jerry Vap

Opponents:

Neutral:

Justin Brady

Representing:

Senator Deb Fischer, District #43
Transportation & Telecommunications
Committee
Public Service Commission

Representing:

Representing:

Alltel

Summary of purpose and/or change:

LB 755

- 1) Clarifies the Public Service Commission's fining authority.
- 2) Lowers the cap on the Competitive Marketplace Fund.
- 3) Updates Landline and Wireless 911 reporting requirements.

Section 3 clarifies that the Commission may impose civil penalties under Neb. Rev. Stat. § 75-156 for violations of all regulations and laws which the Commission is responsible for enforcing.

In the past, an argument was made that the Commission may not fine for a violation of a rule and regulation but must rather first enter an order finding a violation and then fine if the order is violated. This language change clarifies that the Commission may fine for a violation of a rule, regulation, or order, and makes the fining authority consistent for all departments under the Commission.

Sections 6, 7, and 9 add additional language to clarify that notwithstanding the Commission's authority in § 75-156, these sections also allow for penalties.

Section 8 lowers the Competitive Marketplace Fund lid from \$100,000 to \$30,000. All monies in excess of that cap will continue to spill into the Nebraska Internet Enhancement Fund (NIEF).

Section 10 eliminates the requirement that local exchange carriers provide information for the PSC's Annual Report regarding the existence of interlocal agreements for the provision of 911 service as such information is not available to the carriers.

Section 11 clarifies quarterly reporting requirements for wireless carriers by changing reporting of all telephone numbers or functional equivalents to reporting the number of telephone numbers or functional equivalents and to exempt any carrier whose users do not have access to 911 service (e.g. paging companies) from having to provide quarterly reports as they do not collect and remit the enhanced wireless 911 surcharge.

Explanation of amendments, if any:

The committee amendment, AM 1707, strikes the original sections and becomes the bill. The amendment makes technical changes to LB 755 as well as adds a provision of LB 829 to the bill.

Changes Made to LB 755

The amendment substitutes the language "regarding any subject" in Sections 1 and 3 of the green copy with "within the jurisdiction of the Commission as". This change eliminates the possibility of widening the scope of the Commission's authority.

The amendment also removes the language “lawful requirement” from §§ 75-156, 75-1011, and 75-1012 from the original bill. This language was added for consistency throughout the statutes, but was unnecessary and is stricken.

LB 829

LB 829 is included as sections 2 and 10 of the amendment. All provisions relating to authorization of the Public Service Commission (PSC) to regulate rates related to the provisions of the telehealth and enhanced 911 programs is removed.

In addition, § 86-465 is amended to prohibit a wireless carrier who receives funds from the Wireless E911 fund from assessing any costs associated with the implementation of enhanced wireless 911 service to any public safety answering point (PSAP), county, or municipality without the PSC’s consent.

This replaces language in the original bill authorizing the PSC to determine whether rates for services related to the provisions of enhanced wireless 911 service are fair and reasonable. The new language narrows the scope of the PSC’s regulation without putting the burden of paying for the implementation of enhanced wireless 911 service on the local governments.

Senator Deb Fischer, Chairperson