

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 660

Introduced by Transportation and Telecommunications Committee:
Fischer, 43, Chairperson; Aguilar, 35; Loudon, 49;
Pedersen, 39; Schimek, 27

Read first time January 17, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Telecommunications Universal
2 Service Fund Act; to amend sections 86-316, 86-318,
3 86-322, and 86-323, Revised Statutes Cumulative
4 Supplement, 2006; to define telecommunications and
5 to redefine telecommunications company; to harmonize
6 provisions; and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-316, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 86-316 Sections 86-316 to 86-329 and section 3 of
4 this act shall be known and may be cited as the Nebraska
5 Telecommunications Universal Service Fund Act.

6 Sec. 2. Section 86-318, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 86-318 For purposes of the Nebraska Telecommunications
9 Universal Service Fund Act, the definitions found in sections
10 86-319 to 86-322 and section 3 of this act apply.

11 Sec. 3. Telecommunications means the transmission between
12 or among points specified by the user of information of the user's
13 choosing without change in the form or content of the information
14 as sent and received.

15 Sec. 4. Section 86-322, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 86-322 Telecommunications company means any natural
18 person, firm, partnership, limited liability company, corporation,
19 or association ~~offering~~ providing telecommunications service
20 for hire in Nebraska ~~intrastate commerce~~ without regard to
21 whether such company holds a certificate of convenience and
22 necessity as a telecommunications common carrier or a permit as a
23 telecommunications contract carrier from the commission.

24 Sec. 5. Section 86-323, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 86-323 The Legislature declares that it is the policy of
2 the state to preserve and advance universal service based on the
3 following principles:

4 (1) Quality telecommunications and information services
5 should be available at just, reasonable, and affordable rates;

6 (2) Access to advanced telecommunications and information
7 services should be provided in all regions of the state;

8 (3) Consumers in all regions of the state, including
9 low-income consumers and those in rural and high-cost areas,
10 should have access to telecommunications and information services,
11 including interexchange services and advanced telecommunications
12 and information services, that are reasonably comparable to those
13 services provided in urban areas and that are available at
14 rates that are reasonably comparable to rates charged for similar
15 services in urban areas;

16 (4) All providers of telecommunications ~~services~~ should
17 make an equitable and nondiscriminatory contribution to the
18 preservation and advancement of universal service;

19 (5) There should be specific, predictable, sufficient,
20 and competitively neutral mechanisms to preserve and advance
21 universal service. Funds for the support of high-cost service
22 areas will be available only to the designated eligible
23 telecommunications companies providing service to such areas. Funds
24 for the support of low-income customers, schools, libraries, and
25 providers of health care to rural areas will be available to

1 any entity providing telecommunications services, maintenance, and
2 upgrading of facilities. The distribution of universal service
3 funds should encourage the continued development and maintenance of
4 telecommunications infrastructure;

5 (6) Elementary and secondary schools, libraries, and
6 providers of health care to rural areas should have access
7 to advanced telecommunications services as described in the
8 Telecommunications Act of 1996. To promote the efficient use
9 of facilities in rural areas, universal service rules should
10 not preclude the sharing of facilities supported by universal
11 service funds with other local users, if such ineligible users pay
12 appropriate retail usage rates to the telecommunications company;

13 (7) The implicit support mechanisms in intrastate access
14 rates throughout the state may be replaced while ensuring that
15 local service rates in all areas of the state remain affordable;
16 and

17 (8) The costs of administration of the Nebraska
18 Telecommunications Universal Service Fund should be kept to a
19 minimum.

20 Sec. 6. Original sections 86-316, 86-318, 86-322, and
21 86-323, Revised Statutes Cumulative Supplement, 2006, are repealed.