

AMENDMENTS TO LB157

Introduced by Friesen, 34.

1 1. Insert the following new section:

2 Sec. 4. Section 86-324, Revised Statutes Supplement, 2017, is
3 amended to read:

4 86-324 (1) The Nebraska Telecommunications Universal Service Fund is
5 hereby created. The fund shall provide the assistance necessary to make
6 universal access to telecommunications services available to all persons
7 in the state consistent with the policies set forth in the Nebraska
8 Telecommunications Universal Service Fund Act. Only eligible
9 telecommunications companies designated by the commission shall be
10 eligible to receive support to serve high-cost areas from the fund. A
11 telecommunications company that receives such support shall use that
12 support only for the provision, maintenance, and upgrading of facilities
13 and services for which the support is intended. Any such support should
14 be explicit and sufficient to achieve the purpose of the act.

15 (2) Notwithstanding the provisions of section 86-124, in addition to
16 other provisions of the act, and to the extent not prohibited by federal
17 law, the commission:

18 (a) Shall have authority and power to subject eligible
19 telecommunications companies to service quality, customer service, and
20 billing regulations. Such regulations shall apply only to the extent of
21 any telecommunications services or offerings made by an eligible
22 telecommunications company which are eligible for support by the fund.
23 The commission shall be reimbursed from the fund for all costs related to
24 drafting, implementing, and enforcing the regulations and any other
25 services provided on behalf of customers pursuant to this subdivision;

26 (b) Shall have authority and power to issue orders carrying out its
27 responsibilities and to review the compliance of any eligible

1 telecommunications company receiving support for continued compliance
2 with any such orders or regulations adopted pursuant to the act;

3 (c) May withhold all or a portion of the funds to be distributed
4 from any telecommunications company failing to continue compliance with
5 the commission's orders or regulations;

6 (d) Shall require every telecommunications company to contribute to
7 any universal service mechanism established by the commission pursuant to
8 state law, which may include a connection-based contribution mechanism.
9 The commission shall require, as reasonably necessary, an annual audit of
10 any telecommunications company to be performed by a third-party certified
11 public accountant to insure the billing, collection, and remittance of a
12 surcharge for universal service. The costs of any audit required pursuant
13 to this subdivision shall be paid by the telecommunications company being
14 audited. For purposes of this subdivision: †

15 (i) Connection-based contribution mechanism means a fixed or flat
16 rate surcharge assessed on a per-connection basis;

17 (ii) Connection means any form of technology used to provide an end
18 user with access to an assessable service; and

19 (iii) Assessable service means any service subject to a contribution
20 obligation to the fund;

21 (e) Shall require an audit of information provided by a
22 telecommunications company to be performed by a third-party certified
23 public accountant for purposes of calculating universal service fund
24 payments to such telecommunications company. The costs of any audit
25 required pursuant to this subdivision shall be paid by the
26 telecommunications company being audited; and

27 (f) May administratively fine pursuant to section 75-156 any person
28 who violates the Nebraska Telecommunications Universal Service Fund Act.

29 (3) Any money in the fund available for investment shall be invested
30 by the state investment officer pursuant to the Nebraska Capital
31 Expansion Act and the Nebraska State Funds Investment Act, and for the

1 period July 1, 2017, through June 30, 2019, any interest earned by the
2 fund shall be credited to the General Fund.

3 2. On page 4, line 16, after "~~(c)~~" insert "(i)" and strike "~~(i)~~" and
4 insert "(A)"; in line 18 strike "~~(ii)~~" and insert "(B)"; and in line 20
5 strike the period and insert "; or

6 (ii) If the Public Service Commission has certified to the
7 Department of Revenue that it has established a connection-based
8 contribution mechanism as defined in subdivision (2)(d) of section 86-324
9 for surcharges allocated to the Nebraska Telecommunications Universal
10 Service Fund pursuant to section 86-324, the percentage obtained by
11 dividing (A) the amount of the surcharge certified by the commission by
12 (B) fifty."

13 3. Renumber the remaining sections and correct the repealer
14 accordingly.