

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 268**

FINAL READING

Introduced by Friesen, 34.

Read first time January 15, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation  
2 Act; to amend section 86-136, Reissue Revised Statutes of Nebraska;  
3 to change a provision relating to the filing of an application for a  
4 certificate of convenience and necessity; and to repeal the original  
5 section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 86-136, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 86-136 Upon the completion of the hearing on such an application  
4 made pursuant to section 86-135, if a hearing is required, the commission  
5 may grant the application, in whole or in part, if the evidence  
6 establishes the following:

7 (1) That such applicant is not receiving, and at the time of the  
8 application is not able to receive, ~~will not within a reasonable time~~  
9 ~~receive,~~ ~~reasonable~~ advanced telecommunications capability service from  
10 the telecommunications company which furnishes telecommunications service  
11 in the local exchange area in which the applicant resides;

12 (2) That the revision of the exchange service area required to grant  
13 the application is economically sound, will not impair the capability of  
14 any telecommunications company affected to serve the remaining  
15 subscribers in any affected exchanges, and will not impose an undue and  
16 unreasonable technological or engineering burden on any affected  
17 telecommunications company; and

18 (3) That the applicant is willing and, unless waived by the affected  
19 telecommunications company, will pay such construction and other costs  
20 and rates as are fair and equitable and will reimburse the affected  
21 telecommunications company for any undepreciated investment in existing  
22 property as determined by the commission. The amount of any payment by  
23 the applicant for construction and other costs associated with providing  
24 service to the applicant may be negotiated between the applicant and the  
25 affected telecommunications company.

26 Sec. 2. Original section 86-136, Reissue Revised Statutes of  
27 Nebraska, is repealed.