

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 311**

Introduced by DeBoer, 10.

Read first time January 15, 2025

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Telecommunications Regulation
- 2 Act; to amend sections 86-111.01 and 86-124, Reissue Revised
- 3 Statutes of Nebraska; to redefine a term; to change provisions
- 4 relating to nonregulated activities; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 86-111.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           86-111.01 Internet-protocol-enabled service or IP-enabled service  
4 means any service, capability, functionality, or application, including  
5 broadband Internet access service as defined in 47 C.F.R. 8.1, as such  
6 section existed on January 1, 2025, provided using Internet protocol, or  
7 any successor protocol, that enables a service user to send or receive a  
8 communication in Internet protocol format, including, but not limited to,  
9 voice, data, or video.

10          **Sec. 2.** Section 86-124, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12          86-124 (1) The commission shall not regulate the following:

13           (a) One-way broadcast or cable television transmission of television  
14 or radio signals;

15           (b) Mobile radio services, radio paging services, and wireless  
16 telecommunications service;

17           (c) Interexchange services; and

18           (d) Internet-protocol-enabled service and voice over Internet  
19 protocol service, including rates, service or contract terms, conditions,  
20 or requirements for entry for such service.

21           (2) The regulation of broadband Internet access service as defined  
22 in 47 C.F.R. 8.1, as such section existed on January 1, 2025, shall be  
23 vested with the Federal Communications Commission and no state agency,  
24 board, or commission or political subdivision of this state shall enact,  
25 adopt, or enforce any law, rule, regulation, or ordinance the effect of  
26 which would be to impose any regulation barred by subdivision (1)(d) of  
27 this section.

28           (3) ~~(2)~~ This section shall not affect or modify:

29           (a) The enforcement of criminal or civil laws, including, but not  
30 limited to, laws concerning consumer protection and unfair or deceptive  
31 trade practices which apply generally to the conduct of business;

1 (b)(i) Any entity's obligations or rights or commission authority  
2 under section 86-122 and under 47 U.S.C. 251 and 252, as such sections  
3 existed on January 1, 2019, and (ii) any carrier-to-carrier tariff rates,  
4 service quality standards, interconnection agreements, or other  
5 obligations for which the commission has jurisdiction under state or  
6 federal law;

7 (c) Any requirement to contribute to any fund administered by the  
8 commission authorized by the Enhanced Wireless 911 Services Act or the  
9 Nebraska Telecommunications Universal Service Fund Act;

10 (d) Any commission jurisdiction over intrastate switched access  
11 rates, terms, and conditions, including the resolution of disputes  
12 arising from, and implementation of federal and state law with respect  
13 to, intercarrier compensation;

14 (e) The eligibility and requirements for the receipt of funds from  
15 the Nebraska Telecommunications Universal Service Fund and the rules,  
16 regulations, and orders under the Nebraska Telecommunications Universal  
17 Service Fund Act or the receipt of funds from the federal universal  
18 service fund, regardless of the unregulated status of the provider's  
19 service under this section;

20 (f) Any entity's rights and obligations with respect to (i)  
21 registration under section 86-125, (ii) the use of public streets, roads,  
22 highways, and rights-of-way, or (iii) a certificate of public convenience  
23 and necessity or a permit; ~~and~~

24 (g) The commission's authority under section 86-1029.04; and -

25 (h) Any authority delegated to the commission or to any state  
26 agency, including, but not limited to, the Nebraska Broadband Office, to  
27 administer a federal or state broadband grant program under a federal or  
28 state statute, rule, or order.

29 **Sec. 3.** Original sections 86-111.01 and 86-124, Reissue Revised  
30 Statutes of Nebraska, are repealed.