

LEGISLATIVE BILL 257

Approved by the Governor March 16, 2011

Introduced by Fischer, 43.

FOR AN ACT relating to the Nebraska Telecommunications Regulation Act; to amend sections 86-143 and 86-144, Reissue Revised Statutes of Nebraska; to change filing requirements for telecommunications companies as prescribed; and to repeal the original sections.

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

Section 1. Section 86-143, Reissue Revised Statutes of Nebraska, is amended to read:

86-143 (1) (a) Except as provided in subdivision (b) of this subsection, in an exchange in which local competition exists, telecommunications companies shall file rate lists for each telecommunications service which shall be effective after ten days' notice to the commission.

(b) Notwithstanding any other provision of Chapter 86, a telecommunications company shall not be required to file rate lists, tariffs, or contracts for any telecommunications service, including local exchange and interexchange services, provided as a business service. Upon written notice to the commission, a telecommunications company may withdraw any rate list, tariff, or contract not required to be filed under this subdivision if the telecommunications company posts the rates, terms, and conditions of its telecommunications service on the company's web site.

(2) Local competition shall be deemed to exist in an exchange if a telecommunications company files an application with the commission requesting a determination as to whether local competition exists in one or more exchanges specified in the application and the commission enters an order after public notice and a hearing which determines that local competition exists in such exchange or exchanges. Notwithstanding any other provision of the Nebraska Telecommunications Regulation Act, the commission may consider any wireless telecommunications service provided in the exchange or exchanges when determining whether local competition exists.

(3) The notice of the hearing on the telecommunications company's application shall be given once each week for two consecutive weeks in a newspaper of general circulation in the affected area and shall state that a determination of local competition may result in the freeing of the telecommunications company from rate regulation by the commission. The notice of the hearing on the commission's motion shall be sent to the telecommunications company by certified mail, return receipt requested, and notice of such hearing shall be published in a newspaper of general circulation in the exchange area. The hearing on the commission's motion shall be held no sooner than ten days after the receipt of notice by the telecommunications company.

(4) The commission may, on its own motion at any time after a determination as to whether local competition exists, reexamine and redetermine the determination after notice and a hearing on the issue.

Sec. 2. Section 86-144, Reissue Revised Statutes of Nebraska, is amended to read:

86-144 ~~(1)~~ (a) Except as provided in subdivision (b) of this subsection, in an exchange in which local competition does not exist, telecommunications companies shall file rate lists which, for all telecommunications service except for basic local exchange rates, shall be effective after ten days' notice to the commission.

(b) Notwithstanding any other provision of Chapter 86, a telecommunications company shall not be required to file rate lists, tariffs, or contracts for any telecommunications service, including local exchange and interexchange services, provided as a business service. Upon written notice to the commission, a telecommunications company may withdraw any rate list, tariff, or contract not required to be filed under this subdivision if the telecommunications company posts the rates, terms, and conditions of its telecommunications service on the company's web site.

(2) In an exchange in which local competition does not exist, basic local exchange rates may be increased by a telecommunications company only after ninety days' notice to all affected subscribers. Such notice of increase shall include (a) the reasons for the rate increase, (b) a description of the affected telecommunications service, (c) an explanation of the right of the subscriber to petition the commission for a public hearing on the rate increase, (d) a list of exchanges which are affected by the proposed rate increase, and (e) the dates, times, and places for the public informational

meetings required by this section.

(3) A telecommunications company which proposes to increase its basic local exchange rates shall hold at least one public informational meeting in each public service commissioner district as established by section 75-101.01 in which there is an exchange affected by the proposed rate increase.

Sec. 3. Original sections 86-143 and 86-144, Reissue Revised Statutes of Nebraska, are repealed.