

AMENDMENTS TO LB722

Introduced by Transportation and Telecommunications.

1 1. Strike the original section and insert the following new
2 sections:

3 Section 1. Sections 1 to 7 of this act shall be known and may be
4 cited as the Rural Communications Sustainability Act.

5 Sec. 2. It is hereby declared to be the policy of this state to
6 ensure that all Nebraskans have access to affordable and reliable
7 communications services in rural high-cost areas, and to ensure the long-
8 term sustainability of infrastructure necessary to preserve such access.

9 Sec. 3. For purposes of the Rural Communications Sustainability
10 Act:

11 (1) Broadband deployment program means a federal or state program
12 authorizing payment of public funds for the purpose of deployment of
13 communications infrastructure;

14 (2) Commission means the Public Service Commission;

15 (3) Communications infrastructure means infrastructure, facilities,
16 and equipment capable of providing broadband or telecommunications
17 services;

18 (4) Competitive provider means a communications provider as defined
19 in section 86-125, including, but not limited to, lawfully franchised
20 cable providers and competitive providers in a local exchange area;

21 (5) Deployment project area means a contiguous geographic area
22 consisting of locations serviceable by broadband or telecommunications
23 services determined by the granting agency for a project funded under a
24 broadband deployment program. A deployment project area may consist of
25 geographical areas in more than one local exchange area;

26 (6) Eligible telecommunications carrier has the same meaning as in
27 section 86-134;

1 (7) Granting agency means any state agency or political subdivision
2 of the state which has authority to award, grant, direct, or redirect
3 public funds under a broadband deployment program;

4 (8) Incumbent carrier means an incumbent carrier in a local exchange
5 area as defined by rules and regulations adopted and promulgated by the
6 commission; and

7 (9) Local exchange area has the same meaning as in section 86-115.

8 Sec. 4. When determining a deployment project area, the granting
9 agency shall collaborate with the Nebraska Broadband Office and the
10 commission to ensure compliance with the Rural Communications
11 Sustainability Act.

12 Sec. 5. After a granting agency makes final payment of public funds
13 under a broadband deployment program to a competitive provider in a
14 deployment project area that is part of a local exchange area served by
15 an incumbent carrier, upon request by the incumbent carrier the
16 commission shall:

17 (1) Upon finding that the granting agency has determined the
18 competitive provider is in compliance with all requirements of the
19 broadband deployment program, relieve the incumbent carrier of eligible
20 telecommunications carrier obligations and carrier of last resort
21 obligations in the deployment project area;

22 (2) Consistent with rules of procedure adopted and promulgated by
23 the commission, make determinations related to allocations and
24 distributions of support from the Nebraska Telecommunications Universal
25 Service Fund for the deployment project area; and

26 (3) In coordination with the Federal Communications Commission, and
27 in consultation with the incumbent carrier and the competitive provider,
28 determine whether eligible telecommunications carrier and carrier of last
29 resort obligations corresponding with support from the Nebraska
30 Telecommunications Universal Service Fund in the deployment project area
31 should be transferred to the competitive provider.

1 Sec. 6. In carrying out the Rural Communications Sustainability
2 Act, the commission shall not:

3 (1) Require a competitive provider to accept or receive support from
4 the Nebraska Telecommunications Universal Service Fund;

5 (2) Impose eligible telecommunications carrier responsibilities or
6 carrier of last resort obligations relating to the Nebraska
7 Telecommunications Universal Service Fund Act on a competitive provider
8 in any deployment project area where the incumbent carrier or competitive
9 provider is not actually receiving support from the Nebraska
10 Telecommunications Universal Service Fund; or

11 (3) Impose eligible telecommunications carrier responsibilities or
12 carrier of last resort obligations on an incumbent carrier that are not
13 in existence as of the date of final payment made pursuant to section 5
14 of this act.

15 Sec. 7. The commission may adopt and promulgate rules and
16 regulations as necessary to carry out the Rural Communications
17 Sustainability Act.