

**ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023**  
**COMMITTEE STATEMENT**  
**LB722**

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**Hearing Date:** Tuesday February 07, 2023  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Bostelman  
**One Liner:** Provide authority for the Public Service Commission regarding construction of broadband or other telecommunications infrastructure

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Geist, Moser  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Testimony:**

**Proponents:**

Bruce Bostelman  
Tonya Mayer  
Sarah Meier  
Dan Watermeier  
Kevin Choquette  
Andrew Vinton  
Lash Chaffin  
Candace Meredith  
John K. Hansen

**Representing:**

Introducer  
Mobius Communications  
Nebraska Rural Broadband Alliance  
Nebraska Public Service Commission  
Glenwood Telephone Membership Co-op  
Allo Communications  
League of Nebraska Municipalities  
Nebraska Association of County Officials  
Nebraska Farmers Union

**Opponents:**

Dayton Murty  
John Wyvill

**Representing:**

Charter Communications  
Cox Communications

**Neutral:**

Tip O'Neill  
Taylor Teepell

**Representing:**

Nebraska Telecommunications Association  
Lumen

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

The bill enacts a new provision of law related to the authority of the Nebraska Public Service Commission (NPSC).

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Provides that when any entity of government grants federal or state broadband funding to a competing carrier in an area served by an incumbent local exchange carrier the NPSC shall have the authority make the following determinations:

- 1) The smooth transition of services;
- 2) The undepreciated investment owned by the incumbent carrier that provides broadband at speeds of 100/20Mbps;
- 3) The transfer of federal and state eligible telecommunications carrier designations and responsibilities, including carrier of last resort obligations; and
- 4) Whether rural customers in the service area and nearby service areas are receiving broadband services.

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**Explanation of amendments:**

The considered and adopted an amendment which accomplishes the following:

The amendment substitutes for the bill. Adopts the Rural Communications Sustainability Act. Section 2- Statement of Policy. The act is intended preserve and ensure all Nebraskan's have access to affordable and reliable communications in rural high cost of service areas.

Section 3- Definition of terms for purposes of the Act.

Section 4- Agencies providing grant funding to enhance communications capabilities shall collaborate with the Nebraska Broadband Office and the Nebraska Public Service Commission (NPSC) to ensure compliance with the Act.

Section 5- Following the final payment of any grant to improve telecommunications infrastructure to a competitive carrier the incumbent carrier may request, and the NPSC shall:

- 1) Relieve the incumbent of eligible telecommunications and carrier of last resort obligations in the project funding area;
- 2) Make any necessary determinations related to the allocation and distribution of support from the Nebraska Universal Service Fund (NUSF) within the project area; and
- 3) Consult with the carriers involved and the Federal Communications Commission as to whether eligible telecommunications carrier and carrier of last resort obligations should be transferred to the competitive provider.

Section 6- In carrying out the Act the NPSC shall not:

- 1) Require a competitive carrier to accept or receive NUSF support;
- 2) Impose eligible telecommunications carrier responsibilities or carrier of last resort obligations on a competitive carrier in any project area where the incumbent or competitive carrier is not receiving NUSF support; or
- 3) Impose eligible telecommunications carrier or carrier of last resort obligations on an incumbent carrier that are not in existence on the date the final payment is made on any grant to enhance telecommunications service.

Section 7 – Authorizes the NPSC to adopt any necessary rule to carry out the Act.

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Suzanne Geist, Chairperson