

that the bill was unconstitutional because of that reason. He cited a second reason as well, that being vagueness, that the language in the bill is too vague. Now, I guess when you have the individuals that helped to draft the current form of LB 835, I guess you can't blame them for trying to be a little vague because by being a little vague, you will increase or reduce the chances of regulation. Now, what they cite that probably...well, probably the best example for vagueness was on the second or third page of the Opinion where it quoted language from the bill itself and I would just like to read this because it is rather short. It is just a couple of words. It states that the telecommunications company shall have the burden of proof that such rates and charges are not "substantially in excess of actual economic cost." Now we talked about those words before, "substantially in excess of economic cost." I didn't know what they meant. Senator Schmit didn't know what they meant. Actually, I don't think anyone on this floor knew what they meant and I think that was probably on purpose, intentionally done, because they wanted it as vague as possible to reduce any possibilities of any regulation by the Public Service Commission. And there are a few other terms that they used in there, affected subscribers, proper complaint and proper notice, as being terms that no one really understood or they weren't used in the normal terms for regulation of telephone rates. Now, the final reason that I feel that this bill is unconstitutional, and that being what the Attorney General cited as being unconstitutional, I feel probably the strongest argument is the third one that says that it violates Article 4, Section 20 of the Nebraska Constitution, and that simply states that the Legislature can do a lot of things with the regulation of the Public Service Commission. It can tell it how much it can rate. It can tell us how much it can regulate a common carrier. It can tell a lot of things in the regulation of telephones and, quite frankly, in the State of Nebraska we don't tell the Public Service Commission too much on how to go about regulation. But we say that if you are going to have the Public Service Commission, as it states in the Constitution that they should be regulating common carriers, that that regulation should exist. And there is a very sound reason for it, as we talked about...as we talked about time after time, and that is that there is a situation here where there is a monopoly. We talked about it before, when you have local service you have a monopoly situation. That means there is no competition. When you don't have competition, then the particular phone company can establish the rates. Now, those rates could be a monthly charge of \$10.00 a month. Those rates could be \$15.00 a month.