

right of an individual customer of the phone company to file a protest against any rate increase. And I think the fundamental fairness is something that we can all understand. If...for your consideration, if a young couple in my district or in your district, or a consumer in your district, gets a phone rate increase of 10 percent the first year, 10 percent the next year, what does he do with that? I can assure you that is going to be what the rate increases are going to be because if the actual cost fluctuates from year to year at 8 percent to 13 percent to 7 percent, the phone company, in it's second year, is not going to raise the rate to 13 percent which would require a hearing because it is over the 10 percent maximum. The maximum, in this case, is going to become a minimum rate. The phone company is going to try to balance out the rate increase 9 to 10 percent each year so they have a lot of room and I think that is exactly what is going to happen. But say that young couple on a limited budget, they are trying to meet their bills, raise a family, say they want to protest that rate increase, they go to the phone company to protest under this bill. The phone company tells them, well, no problem. If you want to protest this rate increase in my district here in Lincoln, you just go out and get about 3,000 signatures within 60 days and if you get those 3,000 signatures, then you can come back to the Public Service Commission. Now, just assume that somehow that young couple, that young man, young woman, goes out and gets the 3,000 signatures, comes to the Public Service Commission for a full hearing, 90 days to prepare a full case, hire a lawyer, get expert witnesses, accumulate all the data, they have the hearing before the Public Service Commission and if the Public Service Commission does not render an opinion, a decision within 60 days after that, that rate increase is final for purposes of appeal.

PRESIDENT: One minute.

SENATOR McFARLAND: That individual person, customer, goes through all that, gets the 3,000 signatures, hires a lawyer, gets all the data, if the case is not decided in 60 days, through no fault of the individual person making that complaint, but by the fault of the Public Service Commission, that individual loses. And I ask you to examine that. Is that a concept of fundamental fairness that we are supposed to sell to our constituents? It is an unfair manner of raising any type of protest. As a matter of fact, it would be unconstitutional, I believe, if ever tested in court and I don't believe we should burden the people that we represent with that type of due process limitation because on one hand this bill says you have