

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1256

Introduced by DeBoer, 10; Fredrickson, 20.

Read first time January 16, 2024

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to telecommunications; to amend section
2 75-109.01, Revised Statutes Supplement, 2023; to provide certain
3 jurisdiction and powers and duties for the Public Service
4 Commission; to define terms; to require the filing of reports by a
5 communications service provider relating to 911 service outages; and
6 to repeal the original section.

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

1 Section 1. Section 75-109.01, Revised Statutes Supplement, 2023, is
2 amended to read:

3 75-109.01 Except as otherwise specifically provided by law, the
4 Public Service Commission shall have jurisdiction, as prescribed, over
5 the following subjects:

6 (1) Common carriers, generally, pursuant to sections 75-101 to
7 75-158;

8 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
9 Act and sections 89-1,104 to 89-1,108;

10 (3) Manufactured homes and recreational vehicles pursuant to the
11 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

12 (4) Modular housing units pursuant to the Nebraska Uniform Standards
13 for Modular Housing Units Act;

14 (5) Motor carrier registration, licensure, and safety pursuant to
15 sections 75-301 to 75-343, 75-369.03, 75-370, and 75-371;

16 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
17 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
18 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
19 the provisions of the Major Oil Pipeline Siting Act, the provisions of
20 the Major Oil Pipeline Siting Act control;

21 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
22 74-1323, and 75-401 to 75-430;

23 (8) Telecommunications carriers pursuant to the Automatic Dialing-
24 Announcing Devices Act, the Emergency Telephone Communications Systems
25 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
26 Regulation Act, the Nebraska Telecommunications Regulation Act, the
27 Nebraska Telecommunications Universal Service Fund Act, the
28 Telecommunications Relay System Act, the Telephone Consumer Slamming
29 Prevention Act, and sections 86-574 to 86-578, 86-1307, ~~and 86-1308,~~ and
30 section 2 of this act;

31 (9) Transmission lines and rights-of-way pursuant to sections 70-301

1 and 75-702 to 75-724;

2 (10) Water service pursuant to the Water Service Regulation Act; and

3 (11) Jurisdictional utilities governed by the State Natural Gas
4 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
5 provisions of the State Natural Gas Regulation Act, the provisions of the
6 State Natural Gas Regulation Act control.

7 Sec. 2. (1) For purposes of this section:

8 (a) Communications service provider has the same meaning as in
9 section 86-1214;

10 (b) 911 service has the same meaning as in section 86-428; and

11 (c) Outage means a significant degradation in the ability of an end
12 user to establish and maintain a channel of communications service as a
13 result of failure or degradation in the performance of a communications
14 service provider's network.

15 (2) A communications service provider that is required to file
16 reports to the Federal Communications Commission regarding a 911 service
17 outage pursuant to 47 C.F.R. 4.9 and 4.11, as such regulations existed on
18 January 1, 2024, shall also file copies of such reports with the Public
19 Service Commission. The reports filed with the Public Service Commission
20 shall follow the same timelines as outlined in 47 C.F.R. 4.9 and 4.11.
21 Reports filed pursuant to this section shall be deemed confidential and
22 not subject to public disclosure pursuant to sections 84-712 to
23 84-712.09. The Public Service Commission may adopt and promulgate rules
24 and regulations to carry out this section. This section shall only apply
25 to 911 service outages in Nebraska.

26 (3) The Public Service Commission shall hold a public hearing no
27 later than ninety days after receipt of the first report filed by a
28 communications service provider pursuant to subsection (2) of this
29 section. The Public Service Commission may delay the hearing for good
30 cause shown, but such delay shall be extended no longer than thirty days.
31 The Public Service Commission may hold subsequent hearings as it deems

1 necessary.

2 Sec. 3. Original section 75-109.01, Revised Statutes Supplement,
3 2023, is repealed.