

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**MOSER:** The hearing for Transportation and Telecommunications will now come to order. My name is Mike Moser. I'm the Chairman of the committee. We'll have senator introductions starting with Senator DeBoer.

**DeBOER:** Let me get to a microphone. Hello, everyone. My name is Wendy DeBoer. I represent District 10 in northwest Omaha.

**BOSTELMAN:** Bruce Bostelman, District 23: Saunders, Butler, Colfax Counties.

**DeKAY:** Barry DeKay, District 40, encompassing Holt, Knox, Cedar, Antelope, northern part of Pierce and northern part of Dixon Counties.

**MOSER:** Senator Bosn.

**BOSN:** Oh. Carolyn Bosn. I represent District 25, which is southeast Lincoln, Lancaster County.

**BRANDT:** Senator Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

**MOSER:** Introduce yourself, Senator.

**FREDRICKSON:** John Fredrickson. I represent District 20, which is in central west Omaha.

**M. CAVANAUGH:** Machaela Cavanaugh, District 6, west central Omaha, Douglas County.

**MOSER:** All right. Our committee clerk is Lynne Woody. Our legal counsel is Mike Hybl. There are blue testifier sheets on a table near the door. If you want to testify on anything, you fill out one of those blue sheets. Hand it to the page when you come up to testify. Today, our pages are Ethan and Ruby. If you're not testifying but want to record your presence at the hearing, sign the gold book-- the sheet in the book by the table near the entrance. Handouts submitted by testifiers are included as part of the record as exhibits. Senators may come and go. This is common and required as they may be presenting bills in other committees during that same time. Testimony will begin with the introducer's opening statement, then we'll hear from supporters of the bill, then those in opposition, and then those in the neutral capacity. The introducer of the bill will then be given the opportunity to make closing comments if they wish to do so. Begin

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

your testimony by giving us your first and last name and please spell them for the record. We will be using the 3- minute light system today. We don't allow demonstrations of opposition or support for any testimony offered in our hearing. Please turn off your cell phones or put them on vibrate. And with that, we'll begin our first bill. Senator Fredrickson. Welcome.

**FREDRICKSON:** Thank you. All right. Good afternoon, Chair Moser and fellow members of the Transportation and Telecommunications Committee. For the record, I am John Fredrickson. That's spelled J-o-h-n F-r-e-d-r-i-c-k-s-o-n, and I represent District 20, which is in central west Omaha. I am happy to be here today to introduce LB1255. This is a bill that will speed up and streamline the migration to next-generation 911 system and eliminate one of the problems leading to recent 911 outages in Nebraska. Specifically, LB1255 will ensure that telecommunications service providers transmit all 911 calls to next-generation 911 or other points designated by the state 911 director and complete all translation and, and routing to deliver all 911 calls, including associated location information in the requested Internet protocol-enabled service format to next-generation 911 or other points designated by the state 911 director that allow 911 calls to be answered. This committee is certainly very well aware of the recent 911 outages and the ongoing investigation of the Public Service Commission to determine the factors leading to these outages. We know that fiber optic line cuts have been a culprit of some of these outages. We also know that accidents will happen and that's why we must have redundancy built in to assure access to 911 services. As we wait for the completion of the investigation, the PSC has already identified one of the problems. As we switch over to next-generation 911, not all telecommunications providers have installed the new Internet protocol routing system, which is designed to increase redundancy. The older routers were the potential point of failure in some of the 911 outages. The complications created by these dual systems are contributing to the outages problem and we need to get carriers off the old legacy systems. The movement to next-generation 911 is happening, but we have nothing in statute that requires it by a certain date. The recent 911 outages shows that we need this process to be completed sooner rather than later. LB1255 will provide the necessary, necessary statutory changes to ensure this happens. The Federal Communications Commission is also looking at the same requirements nationally that we have included within LB1255. I had AM2557 drafted to LB1255 and have passed this amendment out to each of you and shared it with stakeholders. This amendment addresses some of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

the concerns of telecommunications companies on the original bill. Specifically, we are extending the date to January 1, 2026, unless otherwise required by the FCC to give telecommunications companies additional time to comply. We are also adding the next-generation contracted services-- service provider to the bill, as they also bear responsibility in ensuring the movement to next-generation 911. In addition, we added reporting requirements to the bill so that this committee and the state 911 director stay informed on capabilities and redundancies of such providers of next-generation 911 service network. I have made every effort to try to address some of the issues the telecommunications companies have had with the bill. There are still issues that do need to be addressed between the next-generation 911 service providers and the originating service providers. By setting a date certain for this to happen, we will be able to ensure that things do move forward. The bottom line is, the movement to next-generation 911 must move forward so that we can create the redundancy needed to keep our people and communities safe. I ask the committee to advance LB1255 with AM2557 to General File this session and take this important step to prevent further-- future 911 outages. With that, I'll be glad to answer any questions.

**MOSER:** Questions for the testifier? Seeing none, thank you very much.

**FREDRICKSON:** Thank you.

**MOSER:** Supporters for LB1255?

**TIM SCHRAM:** Good afternoon, Chair Moser and members of the committee. I am Commissioner Tim Schram, spelled T-i-m S-c-h-r-a-m. I represent the third district of the Nebraska Public Service Commission and I'm here today on behalf of the Commission to provide testimony in support of LB1255 and proposed amendment AM2557. The Public Service Commission is a statewide authority that implements, coordinates, managers, maintains, and provides funding assistance to the 911 service system. LB1255 sets forth requirements for carriers to connect to the next-generation 911 system in a defined time period. As you know, successful implementation of next-gen 911 is crucial to the public safety in Nebraska. Next-gen 911 utilizes a dedicated emergency services Internet protocol network, ESInet, that is a faster, more resilient system allowing callers to communicate using not only voice but also data to include photos, videos, text messages. Additionally, next-gen 911 employs geospatial call routing that identifies a caller's location and routes it to the appropriate public safety answering point, PSAP, utilizing geographic information systems, GIS,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

data. This improves call routing and reduces the need to transfer calls between PSAPs. As we've seen in the recent 911 outages, next-generation 911 is also a more resilient system. These outages were caused by problems with the aging legacy 911 systems, preventing the 911 calls from being delivered to the PSAPs on the next-gen 911 system, as well as those that are still on the legacy system. The next-generation 911 system was still functioning throughout these outages, but was unable to receive calls from carriers that had not directly connected to the next-generation 911 system. We have heard feedback from representatives of the wireline industry that they are concerned about the potential costs related to the routing and connection of calls. However, these costs have been borne by the wireless carrier since 2002 when the FCC adopted the King County, Washington decision where it decided that the wireless carriers must bear the costs for delivering calls. While we understand the concerns of the wireline carriers, we believe that as next-generation 911 implementation continues nationwide, these costs are likely to be required of wireline carriers at the national level by the FCC as identified in their Notice of Proposed Rulemaking released June 9 of 2023. We thank Senator Fredrickson for his support of 911 services. We also want to thank the committee for its time. I'd be happy to answer any questions you may have.

**MOSER:** Senator Bostelman.

**BOSTELMAN:** Thank you, Chair Moser. So what are the costs that they're concerned about?

**TIM SCHRAM:** It's the cost of delivering the calls to-- the, the state currently has a contract with Lumen for the-- for the ESInet [INAUDIBLE]-- network. And it's the calls of the local exchange-- the cost of the local exchange carrier to get those connections from their-- from their exchanges from the PSAPs to the-- as the Lumen network and ESInet.

**BOSTELMAN:** Well, remind me or refresh my memory on the PSAPs we have on [INAUDIBLE] because not all counties have signed up to or had-- we still have a couple of counties that hadn't agreed to PSAP regions, whatever that had-- hadn't signed on to the next-gen 911 system. Where are we at with that?

**TIM SCHRAM:** Yes, we have, I, I believe, one county is in the process working with neighboring counties on regionalization and then there's

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

one county in northeast Nebraska that our 911 department is still, still working to get them regionalized.

**BOSTELMAN:** So when will they have-- do they have an idea when they'll be on board with anything or not? I mean, how many county-- if it's just one county or two counties that haven't signed on, then how does this force them to do one direction or other does it or how does that work?

**TIM SCHRAM:** Well, this isn't so much an individual PSAP issue. It's a local exchange carrier that services that area to get it connected to, to the Lumen network.

**BOSTELMAN:** So why don't they want to get connected? Do you know?

**TIM SCHRAM:** Well, you'll hear, probably, from witnesses behind me today that it-- it's the, the, the cost that-- that's-- we, we continue to encourage all the carriers to work amongst themselves to come up with a solution and a shared cost to make those connections. And we certainly-- we're doing everything we can to continue the cooperation of collaboration of those carriers to make these vital connections to make next-generation 911 work.

**BOSTELMAN:** So how does this bill affect that county or counties that aren't part of the next-gen 911 system?

**TIM SCHRAM:** I, I don't think it affects the counties, the, the individual PSAPs that are locally controlled. This is telling the carriers they have to make the connections.

**BOSTELMAN:** Well, I, I say counties in the sense of the people who live there, the carriers who live there, not the county officials themselves but those areas that are being covered. If they're not being covered, what happens to the residents in those-- in those areas if they're not-- I mean, what-- does this--are they just not part of the next-gen 911 system? Does this force those carriers then to become no matter what? I mean,--

**TIM SCHRAM:** Yes.

**BOSTELMAN:** --this has to have some effect. Does this then force those-- force those carriers then to become-- to sign in or to be a part of next gen?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**TIM SCHRAM:** LB1255 instructs the carriers to make these connections complete by 20-- the date in 2026.

**BOSTELMAN:** OK. Thank you.

**TIM SCHRAM:** And like I said in the testimony and I think Senator Fredrickson mentioned it, the FCC also has a docket open on this question.

**MOSER:** OK. Any other questions? Seeing none, thank you for your testimony.

**TIM SCHRAM:** Thank you.

**MOSER:** Other supporters for LB1255? If you plan to testify, please come up and get in the front row. It just saves us a few seconds, minutes throughout the hearing. Welcome.

**MICHEAL DWYER:** Welcome and thank you. Good afternoon, Senator Moser, Chairman of the Telecommunications and Transportation Committee, and the rest of the committee and thank you for the opportunity to testify. My name is Micheal Dwyer, spelling, M-i-c-h-e-a-l D-w-y-e-r, and I'm here to testify in favor of LB1225 [SIC]. Thank you, Senator Fredrickson, for introducing the bill. I'm a 40-year active veteran of Arlington Volunteer Fire and Rescue with over 2,600-plus calls under my very large belt. I continue to work on the Future of EMS in Nebraska, report that I believe all of your offices have, and I continue to update that. If you do not have that, please let me know and I'll make sure that you do. The success and reliability of 911 will be greatly improved with the implementation of next-gen 911. It will enhance emergency services to create faster, more resilience-- a faster, more resilient system that allows voice, photos, videos and text messages to flow seamlessly from the public through the 911 network to volunteer responders like me. These improvements are critical to helping us respond effectively. On December 28 of 2023, I responded to one of the worst calls in my 40-year career in EMS, a two-vehicle accident with one vehicle fully involved on a major highway that goes through our community. I lost a good friend on December 28, but we also saved two other lives. Our response was helped significantly in that event by the information and photographs that our dispatch center was able to get and, in turn, forward to EMS as we responded. We knew what we were walking into that day. The mitigation and urgency in LB1255 is essential to finalizing the implementation of next-gen 911 in Nebraska. Finally, I want to take

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

the opportunity to talk just a little bit more about general EMS issues in rural areas, real simple, as I've said before, calls are up and the number of responders is down. It's critical and that's not sustainable. This morning I did the 70th interview for the report, and I spoke with Dr. Emily Cantrell, who grew up in a small little Appalachian village with tiny little stuff and she tells the stories about the volunteers coming and responding to her. And now she's the director of trauma surgery for UNMC. Very, very passionate about EMS and she gets it up from the top of the system to the bottom of the system. What I believe next-gen 911 and LB1255 as a piece of that will give us the tools to continue to grow technology as it affects prehospital EMS. Dr. Cantrell and I had a good conversation about how that might look. It's not here yet, but it's close. Finally in closing, thank you, Senator Fredrickson, again for the-- for bringing LB1225 [SIC] and I would be happy to answer any--

**MOSER:** Seeing no questions, thank you for your testimony.

**MICHEAL DWYER:** Thank you.

**MOSER:** Are there other supporters for LB1255? We received 3 proponent letters, no opponent letters, and 1 neutral letter. Welcome.

**NEIL MILLER:** Thank you. Good afternoon, Chairperson Moser and members of the Transportation and Telecommunications Committee. My name is Neil Miller, N-e-i-l M-i-l-l-e-r. I'm the sheriff of Buffalo County. I'm here today testifying on behalf of the Nebraska Sheriffs Association, Nebraska Police Chiefs Association, the Police Officers Association of Nebraska. Thank you for allowing me to testify today before this committee relative to LB1255. We have all heard about the outages that impacted the delivery of 911 calls last summer. With the current configuration of transport of wireline 911 call delivery to the emergency services Internet network, we are relying on outdated equipment. It's time to both implement and require the carriers to deliver a direct connection to the ESI network. Continuing to rely on outdated technology only increases the chances of an outage with 911. We understand that this will require an investment from the local exchange carriers to accomplish. The, the details of how to fund this certainly is an area that could be and should be negotiated between the carriers and the emergency services of the Internet network provider. Delaying implementation of direct connections will certainly increase the risk of failure. It is with that in mind that we would ask that you support and vote out of committee LB1255, which will require carriers to direct connection to the ESInet with hard and fast

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

timeline. This bill will help to increase the resiliency of the 911 infrastructure of our state and I would like to thank you for the opportunity to speak to you today about this very important issue. I would be more than happy to answer any questions.

**MOSER:** Questions? Well, seeing none, thank you for your testimony.

**NEIL MILLER:** Thank you.

**MOSER:** Yes. We're still asking supporters to come up to testify. Any more supporters? Seeing none, anyone to speak in opposition? Welcome.

**TIP O'NEILL:** Thank you, Senator. Chairman Moser, members of the Transportation and Telecommunications Committee, my name is Tip O'Neill. That's spelled T-i-p O-'-N-e-i-l-l. I'm president of the Nebraska Telecommunications Association. The NTA is a trade association that represents 21 companies that provide landline, voice, and broadband telecommunications services to Nebraskans across the state. The NTA supports the migration from current 911 services to next-generation 911 services. However, there are provisions in LB1255 that are troubling to NTA companies. We, therefore, oppose the bill as introduced. We know that connections or services required to deliver NG911 and telecommunications relay service traffic outside of the rural company's network need to be leased from other operators. They do not do this for free. LB1255 would place that burden on our local exchange carriers. Section 8, subsections (2) through (4) move those responsibilities to the local exchange where the 911 call was made, and that would impose significant costs. Subsection (4) requires originating service providers and TRS providers to be responsible for the cost of transmitting 911 calls to next-generation 911 or other points designated by the state director, including any costs associated with the translating and routing necessary to transmit such calls and associated location information in the requested Internet protocol-enabled service format. That is the NTA's major problem with the bill as introduced. We believe that a local exchange company's duty should be simply to interconnect with the NG911 contractor provider to allow delivery of the 911 call the company received in its exchange area. The local exchange company should solely have the duty to complete delivery of the call to the exchange boundary. That is its duty today. As the bill is written, the local company would be required to bear the cost of transport all the way to Chicago or Denver and to pay for the translation. The language in subsections (2) through (4) totally tips the scales of payment responsibilities for routing and translation in favor of the NG911 contractor, which chose

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

to contract for NG911 responsibilities. The local exchange carriers have no cost recovery mechanism. The NB911 provider does. The payment for those responsibilities is currently negotiated among the parties. The state, which has the contract with the NG911 provider, should not intervene in these types of agreements. Another issue of concern for smaller companies is the time frame, which I understand that Senator Fredrickson is, is addressing in his current amendment. Some NTA companies-- may I continue, Mr. Chairman?

**MOSER:** Yes. Shorten the story a little bit, but go ahead.

**TIP O'NEILL:** Yeah. Some NTA companies currently have federal build-out requirements over the next 5 years to require current copper networks in favor of fiber networks. Those companies have to incur significant costs to retrofit. Brian Thompson will be following me to talk about some of those things. The relay system provisions are also concerning. The federal government is working to make TRS provisions consistent state by state. Right now, any relay users are directed to call 911 directly. I know that Katie Zulkoski and Michelle Weber have been working with Senator Fredrickson on our concerns. We look forward to continue our work with Senator Frederickson, Director Sankey, and committee members to find a workable solution. Again, we understand the importance of NG911 to Nebraskans. I'd be happy to answer any questions.

**MOSER:** Senator DeBoer.

**DeBOER:** Thank you, Chair Moser. So let me see if I can understand the costs.

**TIP O'NEILL:** OK.

**DeBOER:** So you're saying that if I am a local exchange and a accident happens there, somebody calls 911 from somewhere within my service area, the cost for the call to my PSAP, who covers that cost?

**TIP O'NEILL:** Right now, it's a shared cost.

**DeBOER:** Between?

**TIP O'NEILL:** Well, our, our cost would be to get the money-- or get the call to the exchange boundary and then the NG911 provider sends the call through either Denver or Chicago and then back to the PSAP. That's the way it works. It doesn't go directly to the PSAP from the call.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**DeBOER:** OK. So how does it work with wireless? So if I am on my, my wireless phone, where does my call go?

**TIP O'NEILL:** I assume it, it follows the same process, but I'm not an expert in that area by any means.

**DeBOER:** OK. So if they're-- if the wireless companies have to pay for it to go to Denver and back or wherever, you're saying that the wired companies, you don't want to have that same responsibility to pay for it like the wireless companies?

**TIP O'NEILL:** Well, what I would say is that a Verizon would have a significantly larger number of subscribers to, to pay that-- to pay that cost if, in fact, that is the agreement. If you're looking at an exchange with 200 subscribers, for example, we estimate the cost of transporting those calls and, and, and other costs to be in the neighborhood of, of about \$1,400 per month. So if you say you're going to divide that cost between 200 subscribers, it's \$7 a month just for the transport of, of 911 calls in which there would be not that many from that particular network.

**DeBOER:** And that's [INAUDIBLE]?

**TIP O'NEILL:** And, and we-- and we have no ability to recover those costs through, through the high-cost program. But the NG911 provider does have ability to recover costs through the contract with the state.

**DeBOER:** Aren't you required to do this by the feds already anyway?

**TIP O'NEILL:** No. We are not. There is an open docket, PS Docket No.--

**DeBOER:** Yeah.

**TIP O'NEILL:** --21-479.

**DeBOER:** That's looking at having [INAUDIBLE].

**TIP O'NEILL:** It's look-- looking at those issues. That's correct.

**DeBOER:** So if it's \$7 per person to do it under next-gen 911, what does it cost to do it now under--

**TIP O'NEILL:** Again, our, our agreement with the NG911 provider is that they route-- they route it from the exchange boundary through Chicago

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

or Denver and back to the PSAP. But, again, that was a negotiate-- negotiated process.

**DeBOER:** So-- but-- OK, let's set aside next gen for a second and talk about this gen. This is your father's Oldsmobile, right? OK. So this gen, what currently is the cost and how does that cost get spread right now? So if you're not on next gen, how is the cost-- how do-- what-- who covers the cost before we got to next gen?

**TIP O'NEILL:** We, we, we, we cover the cost to the edge of our exchange boundary. And then the next gen-- who-- whoever transports the 911 service of the PSAP would, would cover that cost. Now there's-- if there's no--

**DeBOER:** So it's, it's only because of the next-gen aspect that it has to be routed around.

**TIP O'NEILL:** That's my understanding, but I'm sure Mr. Thompson could or Mr. Fellers could answer that more completely than me, so.

**DeBOER:** OK. Thank you.

**MOSER:** Senator Bostelman.

**BOSTELMAN:** Thank you, Senator Moser. Could you tell us a little bit more about the, the proposed rulemaking from FCC that you just mentioned-- just mentioned--

**TIP O'NEILL:** Oh, the, the docket-- the PS Docket?

**BOSTELMAN:** What is that?

**TIP O'NEILL:** Well, it's a docket that, basically, is, is trying to do on a nationwide basis what this bill would do on a statewide basis. But it's still the subject of negotiation and comments at, at, at the FCC level. Now, ultimately, the FCC may decide to do it exactly the way that Senator Fredrickson is proposing in LB1255. And they may not do it that way, you know. We, we, we would hope-- and, and we have representatives who have been filing pleadings with the FCC in comments, that it would-- that it would be similar to the current contract that we have. And those contracts are comparable types of contracts in other states, too. Kansas being one of them. That we-- our companies would be responsible for transporting the call to the exchange boundary and then the who-- whoever the next-generation 911

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

contractor is for that particular state would be responsible for transporting the call the rest of the way to the PSAP.

**BOSTELMAN:** So when we-- when next-gen 911 came about, the bill was passed-- I believe we had that a few years ago when this all started and came about, why was-- why is the timeline now an issue? Why wasn't-- why wasn't there more build-out preparation by providers, telecoms to make this happen? Because the whole purpose of this was to make sure, like my neighbor, who lives a couple of miles north of me, can text because he's deaf. He can't hear. So when he's out working on the farm and something happens, the only way he can get emergency services is to be able to, to text-- him or his wife.

**TIP O'NEILL:** I remember those hearings because I was up there with you at that time. Yeah.

**BOSTELMAN:** So how-- yeah. So this happened a few years ago, so why is it now that we're still looking 5 years out-- I take that's, that's [INAUDIBLE] we're talking about-- why are we still looking 5, 5 years out before we get in it-- get, get fully-- I'll, I'll just use, compatible statewide with next-gen 911?

**TIP O'NEILL:** Well, the issue of transport would be the same, whether, whether we would be completely built out or partially built out as we are mostly built out, I would say, as we are now. We do have companies that are continuing to build out pursuant to federal programs that we have discussed previously because they-- to, to be able to do the, the 911-- enhanced 911 communication is very difficult, my understanding, with, with copper networks and I'll, I'll be able to-- I'm sure Mr. Thompson would be able to answer that, so.

**BOSTELMAN:** All right. Thank you.

**TIP O'NEILL:** Um-hum.

**MOSER:** Thank you. Appreciate your testimony.

**TIP O'NEILL:** Thank you, Senator.

**MOSER:** Anybody else opposed to LB1255? Welcome.

**BRIAN THOMPSON:** Thank you, Senator. Good afternoon, Transportation and Telecommunications Committee. My name is Brian Thompson and I'm opposed to LB1255 as written. My name is spelled B-r-i-a-n T-h-o-m-p-s-o-n. Today, I'm representing the Nebraska Advocacy Group

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

and I'm supporting the Nebraska Telephone-- or Telecom Association testimony today. I serve on both the E911 and the next-gen 911 advisory committee as appointed by the Governor and the Public Service Commission as an industry representative. This bill, as written, would require small companies to haul the 911 traffic to Denver and Chicago as, as, Mr. O'Neill explained. We have no way to recover those costs and, and one question that came up was that it is basically on a per company basis we would have to haul that traffic if we could aggregate our traffic together. So-- but it would still cost a significant amount of money per year. Today, we negotiate with the next-generation 911 provider to make interconnection agreements at the edge of our network and we need that to continue. Senator Fredrickson offered to work with us, greatly, and he has been-- he and his office have, have been very receptive to our thoughts and ideas. This morning we received AM2557 which is a good start but we still need to do a little more work on that amendment. And members of our industry are working together to provide language and, and ways to make the, the bill better. Transition to the next-gen 911 system will help the TRS system actually work better because those folks needing the TRS system would be able to dial 911 at any time. And then in Section 5, we, we want to be sure that the reporting that this committee would receive would be from the next-gen 911 provider as opposed to just all the providers across the state. So I'll stop with that and then answer questions.

**MOSER:** Senator DeBoer.

**DeBOER:** Thank you. So take me through this now so I can understand the difference between what was happening under last generation 911 and what's happening with next-generation 911.

**BRIAN THOMPSON:** OK.

**DeBOER:** So if I'm making a call on the old 911 network, I make a call within my, my exchange, but let's say that the sheriff's office is in a different exchange or whoever I'm calling is in a different exchange, did that happen, first of all? Is that a thing that happened that I would call and it would be in a different--

**BRIAN THOMPSON:** Absolutely. And the, the way that those calls go today is that you pick up the phone and dial 911, and that's a landline call--

**DeBOER:** Correct.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**BRIAN THOMPSON:** --and that call gets routed to a 911 trunk and a meet point and a meet point with where our company--

**DeBOER:** Are you saying meet point?

**BRIAN THOMPSON:** Yes, meet point.

**DeBOER:** Thank you. OK.

**BRIAN THOMPSON:** Yes. Our company meets up with, in this case, Lumen because they're the 911 contractor, they then haul the call to one of their smart routers that routes it to a PSAP location that is nearest the person in need. So that's--

**DeBOER:** OK.

**BRIAN THOMPSON:** --that is-- that is the current landline call process.

**DeBOER:** And so you pay for-- the provider, not Lumen, provides for the movement from the originating call to--

**BRIAN THOMPSON:** The edge of our network.

**DeBOER:** --the edge of your network. Where-- OK, so what happens from the edge of your network till, till you get to Lumen?

**BRIAN THOMPSON:** That's where we meet Lumen right at the edge of our network--

**DeBOER:** Oh, you meet Lumen at the edge.

**BRIAN THOMPSON:** --and then they haul it to their router, and then from their router back to the PSAP in whatever county it needs to go.

**DeBOER:** So you pay for-- to the edge and Lumen pays for the rest.

**BRIAN THOMPSON:** Right, on their network. I mean, it's riding on their network at that point.

**DeBOER:** So why isn't Lumen here saying this is the best bill ever because now they don't have to pay for something that they have to pay for?

**BRIAN THOMPSON:** I don't know that answer.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**DeBOER:** But what we're doing is effectively-- what you're saying is that in the next gen, we would go from your caller to the edge of your, your meet point and then to Lumen to Chicago or whatever.

**BRIAN THOMPSON:** In the next gen, it would be totally different than that.

**DeBOER:** OK. And so--

**BRIAN THOMPSON:** What would happen would be, we would take our 911 calls all the way to the edge of our network and then interconnect with a different provider to haul those calls to Chicago and to Denver and-- because we need to have redundant locations. OK?

**DeBOER:** OK.

**BRIAN THOMPSON:** And that would cost us an additional, probably \$15,000 a year to do that per company. And there are 28 companies that would have to do that in the state.

**DeBOER:** So this is a real dumb question I'm about to ask you. Why does that cost so much? I mean, what-- you're, you're sending--

**BRIAN THOMPSON:** Because we have to--

**DeBOER:** --light across a piece of fiber.

**BRIAN THOMPSON:** Right. But you have to buy a nailed up Ethernet circuit from point A to point B no matter how much use it gets during the month. And then it has to interconnect with a channel in Chicago and a channel in Denver and it has to be a desi-- or, or, I mean, a dedicated piece of equipment that would receive any and all calls that might come across there.

**DeBOER:** So the hardware and the infrastructure is what you're saying is going to cost, not the calls themselves or--

**BRIAN THOMPSON:** Right. Right. We might only put 10 calls a month on that network, maybe, from our whole entire company's area on landline. Wireless is totally different because wireless goes straight into an Ethernet circuit that they buy from the backhaul provider and it goes straight to the Verizon switch, gets turned into probably IP at that point and goes to whatever smart router they need to go to and then back to the PSAP.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**DeBOER:** So we do make the wireless companies pay for the whole thing.

**BRIAN THOMPSON:** It's riding on the same network that the regular calls are riding on.

**DeBOER:** So yours is riding on different ones because you're still on it.

**BRIAN THOMPSON:** We have to have separate trunks or separate specific circuits for 911.

**DeBOER:** Is that because you still have copper network, or why is it that you have to have a separate network?

**BRIAN THOMPSON:** For the most part, that traffic has to be separated from regular long distance traffic and local traffic. It's sorted at each community when it hits the switch at that community-- at the community level and then sent down the line to it on a specific circuit.

**DeBOER:** But wouldn't a very similar thing like that have to happen with wireless calls?

**BRIAN THOMPSON:** Yeah, but they only have the one switch that handles all of it in, say, Omaha, and then it goes on their network that goes all the way to Chicago and all the way to Denver already. So the, the wire-- I mean, there's AT&T and there's Verizon and there's U.S. Cellular and there's Viaero and those guys all have networks that go across all the United States.

**DeBOER:** So you're saying because there's lots of little companies, that interfacing with each other is going to be the cost?

**BRIAN THOMPSON:** That, that will be one of the costs. Yes.

**DeBOER:** And this federal docket that's open?

**BRIAN THOMPSON:** I mean, we could get a bad ruling in that docket and be required to do some of these things.

**DeBOER:** I know you said--

**BRIAN THOMPSON:** And it's-- we, we, I mean, have filed ex parte with them, so.

**DeBOER:** You said that it's going to cost you \$15,000 per company?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**BRIAN THOMPSON:** Um-hum.

**DeBOER:** \$15,000-- I mean, it's a lot of money, but it doesn't sound in this room like a lot of money.

**BRIAN THOMPSON:** Well, times the number of companies, it gets to be pretty extraordinary amount of money.

**DeBOER:** \$15,000 is-- I don't think any-- there's a lot you can't buy for that anymore.

**BRIAN THOMPSON:** I agree.

**DeBOER:** OK. Thank you.

**MOSER:** Senator Bostelman.

**BOSTELMAN:** Thank you, Chair Moser. So who is going to pick up the liability? Is the telecom provider going to pick up that liability? Because if I walk in my house, I pick up my landline, if I had a landline, and I make the call and you're not providing the next-gen 911 service. If I pick up my cell phone and I get the call or make the call-- if I make the call with my cell phone, I get an immediate response from the dispatcher. When I pick up my, my landline, I don't. So is there going to be-- is there going to be a difference in response times for, for, for an ambulance to come to my house?

**BRIAN THOMPSON:** No, not, not in my experience would that be, be different, so. I, I-- the-- it's still riding on the light, the speed is still there. It's just not transitioned from TDM to IP. It won't make-- it, in fact, has to have a transition from TDM to IP which could slow it down. The IP traffic is also less secure and nailed up, so I-- it has a lot of transitions.

**BOSTELMAN:** Well, there shouldn't be a delay-- there shouldn't be a delay between the two.

**BRIAN THOMPSON:** No.

**BOSTELMAN:** OK. All right. Thank you.

**MOSER:** OK. Seeing no further comments, thank you for your testimony. Is there more opposition for LB1255? Welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**TRENT FELLERS:** Thank you. Good afternoon, Chairman Moser and members of the Telecommunications Committee. For the record, my name is Trent Fellers, spelled T-r-e-n-t F-e-l-l-e-r-s. I'm vice president of government affairs for Windstream. Windstream is a wireline telecommunications company serving a large portion of southeast Nebraska with telecommunications services and broadband. Windstream has invested \$340 million into our Nebraska network over the last 10 years. Windstream supports the transition of technologies to next-generation 911. In fact, Windstream has a deep-rooted history in supporting connection to emergency services that trace back-- traces back to our predecessor company, Lincoln Telephone, which established the first 911 service platform. Windstream appreciates the opportunity to testify on this bill, and while Windstream supports the intent of the bill, it can't support the current draft of the bill including the proposed amendment. The drafted bill requires originating service providers to assume all costs associated with transporting calls to next-gen network. If a local exchange carrier is required to transport calls outside of its network, this will require use of a third party, which could increase uncertainty and introduces additional points of failure within the 911 network as well as increase network expense. Increasing the operating costs to originating providers will almost certainly result in companies increasing their rates to consumers. Windstream recommends an originating service provider shall transport its customer calls-- customers' 911 calls to an Internet connect-- interconnection point within the originating service providers' local exchange area. We appreciate Senator Fredrickson's focus on this matter and the much needed transition to next-generation 911, which Windstream fully supports and should be reflected in the steps we've taken today to support the state's transition. We look forward to continuing to work on-- work with the committee on this bill. I'll take any questions you might have.

**MOSER:** Senator DeBoer.

**DeBOER:** I'm still thinking about this 15K. I think there's probably-- if I look in the room, there's more than 15K of lobbyists in this room for this one hearing. Like, 15K is not a lot of money for something as important as 911.

**TRENT FELLERS:** Sure.

**DeBOER:** 15K is it's one life. So tell me-- tell me why I should be impressed by 15K.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**TRENT FELLERS:** Well, I'm not going to speak to the 15K--

**DeBOER:** OK.

**TRENT FELLERS:** --because I'm not sure exactly what-- how much that cost is for equipment that we might have. Our focus, one, is, you know, how do we-- because currently right-- currently right now, if you pick up a landline phone and you make a phone call under the current-- your old father's, you know, network, it's treated as a local call. And where we meet the 911 service provider is at the edge of the exchange and then they take it the rest of the way. And there's cost recovery at the state for them taking that call from, from the exchange boundary. What we're asking for here is just to have it treated the same as it was before and the ability for us to go to Lumen and negotiate those rates as, as to where we meet them. The, the talk of, you know, transporting those calls to Denver and Chicago, you know, is a-- is a-- is a real thing, and our, our supporting taking those calls from Nebraska through those networks there, we rely on somebody else to do that. When Tip started his testimony or when the senator started his testimony, he talked about fiber cuts. If there's fiber cuts at that facility in Denver, we're relying on that service provider. We have no control over that network not to take it through. We feel that should be on, on the 911 service provider, meet us at, at, at the exchange and have them take it from there.

**DeBOER:** So is your concern the liability of anything outside of your control is your-- like, if, if you are having to pay for it, then maybe ostensibly you're supposed to be responsible for it. Is your concern-- what--

**TRENT FELLERS:** With both of those, Senator. So it's, it's first the reliability of the-- reliability of taking the call outside of the exchange and using a third-party provider to transport it to where we would need to move in, which is not determined. And then also the cost that's associated with, you know, having that interconnection agreement, like Brian said, and the pieces of permit that go into place there and then not necessarily having control when there, there could be an outage along those lines.

**DeBOER:** So what happened-- I mean, surely in the old system there was a risk of, of a wire being cut or something like that.

**TRENT FELLERS:** Sure.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**DeBOER:** And sometimes that would be outside of your territory, perhaps.

**TRENT FELLERS:** Sure.

**DeBOER:** So how is this different?

**TRENT FELLERS:** Yeah. So it's different because with the IP system, it's getting routed through those Denver and Chicago exchanges rather than being routed through the terminals that are-- that are local.

**DeBOER:** But still outside of your-- I mean, under the old system, a call could sometimes go outside of your exchange, right, because I assume that your boundaries are not the same as sort of the boundaries of where the hospitals and-- I mean, not that they'd go to the hospitals, I guess, the, the PSAPs. Were they the same as those in the past?

**TRENT FELLERS:** You're, you're getting beyond my technical expertise on, on, on how that's routed.

**DeBOER:** I just-- I'm trying to understand the issue, right, the real-- the real issue. Because I got to tell you, \$15,000 a year doesn't, doesn't work for me so I'm trying to give you an opportunity to--

**TRENT FELLERS:** Yeah.

**DeBOER:** --give me something else--

**TRENT FELLERS:** Yeah.

**DeBOER:** --to hang my hat on because I, I just-- I don't see it.

**TRENT FELLERS:** I'll give you-- I'll give you two points there and I, I-- you know, I, I can't speak to the \$15,000 in equipment--

**DeBOER:** Yeah.

**TRENT FELLERS:** --because that's not, not, not our representation of the costs. Right now, 911 is a local call. You pick up your landline and you call, and we, you know, we are met for the 911 system at the exchange boundary. And if that changes to us having to take care of the route that goes through meeting, meeting them in Chicago or Denver, that adds-- that adds increased costs to us, but also has us rely on a third-party provider to make sure that that call happens.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

And our feeling is that it should be the state's 911 provider to meet us at the exchange boundary or at our network's boundary and then they take the call and the reliability from there.

**DeBOER:** So you would like the bill to simply say as long as-- as long as we're talking about where the boundaries are, your responsibility ends at the end of your exchange, and then they have to take the call from there. Both pay for it and make sure it's reliable.

**TRENT FELLERS:** That's something we can support. Yeah.

**DeBOER:** What about the timing piece?

**TRENT FELLERS:** The what?

**DeBOER:** The timing of when it needs to be done.

**TRENT FELLERS:** Yeah. So we-- we've been working very well with Lumen. We've transitioned our PSAPs over. I think we have two more that we're working to do in the next couple of months. And we're waiting on-- we're waiting on them to do that, but we've been working very well with them. So we've, we've made those transitions.

**DeBOER:** Do you think that this timeline here would be reasonable, at least for your company? Are you already there or are--

**TRENT FELLERS:** At least for the transition to PSAPs. Yes.

**DeBOER:** OK.

**TRENT FELLERS:** We're close.

**DeBOER:** Thank you.

**MOSER:** Senator Bostelman.

**BOSTELMAN:** Yeah. Thank you. I'm sorry I didn't hear your last answer. What was that you said?

**TRENT FELLERS:** At least for the transition to PSAPs. We're, we're, we're-- we should be done here very shortly on transitioning PSAPs over to the next-generation system in, in our network.

**BOSTELMAN:** OK. Question I have-- couple questions I have is, in your testimony you say your a wireline telecommunications company that delivers broadband. What does that mean, wireline telecommunications?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

What broadband are you delivering? Is that on copper we're talking about?

**TRENT FELLERS:** On both fiber and copper.

**BOSTELMAN:** OK. What's your speeds on copper?

**TRENT FELLERS:** On-- for broadband?

**BOSTELMAN:** Yeah.

**TRENT FELLERS:** Well, there's a-- there's a pretty big range between the two of them. So we can do anywhere up to, I think, at, like, 200 by 20 on copper.

**BOSTELMAN:** How do you do 200 by 20?

**TRENT FELLERS:** Well, in-- as far as broadband speeds for, for copper, it's the distance to the, the node that really makes the difference on how that speed works. So the closer you are to the node and powering up that connection, the faster your speeds are going to be.

**BOSTELMAN:** OK, I, I, I find that hard to believe, but I'll take your word for it. So my, my, my comment will be, Steve Meredith sat in that chair, he was the representative for Windstream, sat in that chair and told this committee that Windstream will-- there are areas in our service areas that we will never build out to. He said that, that Windstream admitted it and, and Windstream covers basic Lincoln to Omaha to Beatrice, all the way down to the corner. So you're telling me that you're going to build out fiber now into areas that, that Windstream has previously said that they will never build out to?

**TRENT FELLERS:** Yeah. And that's a-- that's a different question than what we're, we're talking about here. We do have fiber to the nodes that serve those DSL connection points. I believe what you're talking to about is building to the last mile. And there are areas that we-- that are high costs that we compete for grants on, on. And we'll continue to compete for grants on through the Nebraska Broadband Bridge Program. We have competed for those grants in RDOF. If you're an RDOF provider you have the-- or if you're an RDOF recipient you have the responsibility to carry this type of traffic and take over the telephone service for those areas. And we'll continue to build-- to compete for those areas and be that they're a high cost as well. But they, they are high cost and they are expensive to build to.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**BOSTELMAN:** Well, it seems like other providers are being able to do that, you know. We ended our service because we were told we would never get it. But my point being, is fiber is being built out, there's no reason we can't build fiber in a huge part of the state of Nebraska. I, I don't see any reason. There is no reason that you can't. And that comes back to, I can have my phone service in my house, not wireless, but I could still subscribe to the phone service to get 911 service and I-- and I-- through my fiber landline that way. And so my-- the challenge is here-- my, my comment is, is, is we need to build this out. And if before-- if it's been stated before that that's never going to happen, I guess that makes me more interested in, in the bill that we have now and trying to make sure that everybody has that access to emergency services when we need it. So I guess there's no question there, it's just a comment that I find it a little troubling and hopefully that we get this done. Thank you.

**MOSER:** OK. Seeing no further comments, thank you for your testimony.

**TRENT FELLERS:** Thank you.

**MOSER:** Is there more opposition to LB1255? Seeing none, is there-- are there any neutral testifiers? Seeing none, Senator Fredrickson, you're welcome to close.

**FREDRICKSON:** All right. Thank you, Chair Moser. And I just want to quickly thank all the testifiers who came out today. I want to thank, in particular, first responders, law enforcement, the PSC, for coming out to share their support of the bill. As a number of telecom members said who spoke in opposition, I have been in close communication with them and I can certainly appreciate and understand the concerns that they've expressed about the bill. I, I do want to take a moment to sort of take a little bit of a step back and just kind of remind us of what this bill does, what the function of this bill is and, and, and why it's being brought. So, as many folks in here remember, we've had over four 911 outages in this past year. So we're talking about 911, right? We're not talking about streaming Hulu or Netflix. We're talking about lifesaving emergency services. The other thing I want to remind the committee is that next-gen 911, regardless of this bill, is where the country is going, right? So eventually the concerns that are being brought up by the opposition are going to have to be addressed by these companies and these businesses regardless of whether or not this bill passes into law. What this bill does is it says, hey, as a state, we have failed Nebraskans with reliable 911 based on these various outages and we need to prioritize this as a state to ensure

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

that we have more redundancy and more reliability with 911 services. We do know, based on the PSC's investigations into the 911 outages, that some of the outages that occurred that had next-gen capability, those callers were able to get into a 911 operator. So next-gen 911 is an important step for us to take as a state for this infrastructure. There were a couple of things that got brought up. There's a lot of discussion about the cost. So the FCC is proposing that the cost be paid by the originating service providers. I'm happy to include language that we can add to the bill or amend into the bill that just defers to the FCC. I think a couple of folks said what if the FCC changes their mind on that? We can add an amendment that says, defer to whatever FCC is, is indicating or saying that that would be appropriate. The timeline in the bill for 2026, that, that, that date was actually brought to me through the NTA. So that's something that was suggested by Telecom. Again, that's something that I can be flexible with, but that was initially brought to me by, by the NTA. The other thing that caught up-- was brought up was this idea of individual negotiations with the state 911 provider. So the amendment that I passed out with you allows for each provider to continue those negotiations on an individualized basis with the state provider which, which the current time is, is looming. So I believe that I've been negotiating in good faith with the opposition and have tried to make as many concessions and amendments as possible to ensure that their needs are being addressed. At the same time, I just want to underscore and reiterate that we are talking about 911 services here. Again, I know I said that a number of times, but this is something that is incumbent upon providers to figure out to ensure that Nebraskans are not left without that resource. So happy to answer any questions.

**MOSER:** Seeing none, thank you for your testimony.

**FREDRICKSON:** All right. Thank you.

**MOSER:** That will close our hearing on LB1255. Senator DeBoer. LB1256, we received 2 positions of support, no opposition, and 1 neutral. Welcome, Senator DeBoer.

**DeBOER:** Good afternoon, Chair Moser, members of the Transportation and Telecommunications Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent the 10th Legislative District in northwest Omaha. I'm here today to introduce LB1256. Members of the committee will recall that right before the Legislative Council meeting in December, we had the Public Service Commission in to discuss with our committee the next-generation 911 deployment. I asked

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

some questions about the outages and was told that investigations were ongoing and they had yet to have a hearing on any of the outages. The first outage occurred at the end of August, and 3 months later there still had not been a hearing. I spoke with the PSC and I fully understand their process, but I still think that the public deserves information more quickly. 911 services are essential. Anytime there is an outage, the public deserves to know why the outage occurred, that there are plans in place to avoid an outage from occurring in the future, and who is being response-- being held responsible or accountable for the outage? I'm not talking about the little outages, but obviously these larger outages. So that's why I introduced LB1256. Let's speed up the process. Let's get answers. Let's be sure the public knows we are taking care of this essential service. LB1256 achieves this by doing 2 things. First, where a service provider experiences a 911 service outage, they must file a series of reports with the Federal Communications Commission. LB1256 says that anytime a report has to be filed with the FCC, the same report needs to be sent to the PSC. So the second piece of-- so if you're-- if you have to send something to the FCC, you send it to us. That speeds up the process to send it to the PSC so that they can figure these things out more quickly. The second piece of the bill is to be sure there's a public hearing on any outage of a certain size, right, not just a blip, but anyone of a certain size, within 90 days upon receipt of the report mentioned previously. So once the report is filed with the PSC, that will also go to the FCC, within 90 days of that the PSC has to hold a hearing. They can hold, of course, subsequent hearings as they deem necessary. But with the receipt of the report and the mandated timeline for the hearing, is my belief, we'll have answers, albeit slightly more quickly than the status quo. So this morning I was approached with some suggested tweaks to the bill. I'm still reviewing the changes, but my understanding is that folks would like a couple of language changes to ensure that, in fact, the situations in every case where there is an FCC report due that they-- that that is mirrored in what is due to the state entity as well. So there are certain circumstances, albeit rare, where you might withdraw a report. This would allow the withdrawal in the state system as well. So it just makes the, the report that we're requiring to the PSC under this bill to be exactly mirroring when and where and why for and all of the things that they would be doing for the federal report. So I will work on that amendment and share that with the committee as soon as possible because I'm certainly not against such an amendment, that's what I'm trying to do with the bill. So I'm happy to answer any questions.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**MOSER:** Well, no questions. Thank you. Supporters for LB1256? Welcome.

**DAN WATERMEIER:** Good afternoon, Chair Moser, members of the Transportation Committee. I am-- Telecommunications Committee. I am Dan Watermeier, spelled W-a-t-e-r-m-e-i-e-r. I represent the first district of the Nebraska Public Service Commission, here today on behalf of the Commission to provide testimony in support of LB1256. The Public Service Commission is a statewide authority to implement, coordinate, manage, maintain, and provide funding assistance to the 911 service system. LB1256 would require 911 providers in Nebraska to file copies of outage reports to the Commission at the same time they file them with the FCC. Once the Commission receives an outage report, he would hold a public hearing within 90 days. This hearing would help the Commission determine the cause of the 911 outage, and determine what steps might be necessary to prevent subsequent changes. We also think this requirement will be helpful to ensure transparency to the public and address any concerns related to the outage. I'll briefly mention the investigations that the Commission is currently conducting on the recent 911 outages on Lumen and Windstream. As of today, we have gathered information from the companies and have held public hearings on the outages. We are now consulting with outside independent technical experts to help decide on what next steps would be most appropriate to ensure this type of outage does not happen again. I'd like to thank Senator DeBoer for her work on this bill. We believe LB1256 is an important accountability and transparency measure needed to improve 911 service in Nebraska. My thanks to the committee for your time and attention, and I'll be happy to answer any questions.

**MOSER:** Seeing none, thank you for your testimony.

**DAN WATERMEIER:** Thank you.

**MOSER:** More supporters for LB1256? Welcome.

**NEIL MILLER:** Thank you. Good afternoon, Chairperson Moser and members of the Transportation and Telecommunications Committee. My name is Neil, N-e-i-l, Miller, M-i-l-l-e-r. I'm the sheriff of Buffalo County. I'm here testifying on behalf of the Nebraska Sheriffs Association, the Police Chiefs Association, the Police Officers Association, and just added Nebraska Association of County Officials. Thank you for allowing me to testify today before this committee in support of LB1256. LB1256 is a bill to require mandatory reporting by carriers to the Nebraska Public Service Commission for 911 outages in a timely

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

manner and under similar rules that have been set forth by the Federal Communications Commission. Aligning those mandatory reporting requirements at the state level will allow a more timely review of the circumstances surrounding 911 outages in our state. This will also allow more timely and thorough review of the outage so that information can be reviewed and acted upon. The more information we can obtain, the quicker that it can be reviewed, the better opportunity to prevent it from happening in the future. I would like to thank you for this opportunity. We feel this is a very important bill to the citizens of Nebraska, and I would be more than happy to answer any questions that any of you might have.

**MOSER:** Seeing none, thank you for your testimony.

**NEIL MILLER:** Thank you.

**MOSER:** You're welcome. More supporters for LB1256? Seeing none, is there opposition to LB1256?

**JAKE LESTOCK:** Good afternoon,--

**MOSER:** Welcome.

**JAKE LESTOCK:** --Chair Moser. Thank you. Good afternoon, members of the committee. My name is Jake Lestock. I'm here today on behalf of CTIA, the trade association representing the wireless communications industry. Thank you for the opportunity to testify today on LB1256. First and foremost, our industry is working diligently to maintain our networks--

**MOSER:** Did you spell your name?

**JAKE LESTOCK:** I'm so sorry. Yes. My name is spelled Jake, J-a-k-e, Lestock, L-e-s-t-o-c-k.

**MOSER:** OK, great. Thank you.

**JAKE LESTOCK:** First and foremost, the industry is working diligently to maintain our networks and work with the public safety community in order to address issues like these that are proposed today. Unfortunately, LB1256 creates unnecessary burdens on wireless providers and could create privacy risks for sharing proprietary information. And for these reasons, we are in opposition to the bill. CTIA and its members recognize the importance that wireless consumers place on their wireless devices, as well as their networks in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

emergency situations, specifically the use of their wireless handsets in order to contact emergency services. That's why the wireless industry is strongly committed to minimizing network downtime and focusing on restoring services quickly when outages do occur. Duplicative reporting requirements would unnecessarily divert resources away from the important work of restoring these networks when the outages occur. And this proposal is duplicative because the FCC already imposes a robust outage reporting regime that is on wireless providers nationwide via its Network Outage Reporting System and Disaster Information Reporting System, commonly referred to as NORS or DIRS. Outages of wireless networks lasting more than 30 minutes are reportable to the FCC within 2 hours of discovery. Our members have been voluntarily participating in this for years. And then just this past month, the FCC adopted rules that now make DIRS's reporting mandatory for telecom providers as well. Interestingly, in the same order, the FCC emphasizes that codifying this practice would be beneficial for service providers as it, quote, mitigates the burden of potentially duplicative reporting for subject providers by only requiring reporting in one system during and after disasters instead of a dual requirement. So the bill before us today is going to create another unnecessary requirement that the FCC's order specifically was trying to mitigate. It's also important to note that under the FCC's outage rules, service providers must notify a 911 special facility, including communication centers if any outage meets the threshold metrics and could potentially affect 911 special facilities. Since the end of 2022, the FCC has provided federal agencies and states with easy access to this outage information. The PSC currently can access all direct filings to these reports on demand on the FCC's website. The FCC also allows these reports to be shared with first responders, emergency communication centers, and other local agent-- government agencies who play by the rules in crisis response. Additionally, confidentiality of outage information is imperative to our members. The U.S. Department of Homeland Security has declared that information regarding wireless network outages is protected critical infrastructure information that could be close-- should be closely guarded from disclosure for reasons of national security. Requiring public hearings to take place for every 911 outage as this does could result in the sharing of sensitive information with the public which could lead to significant security risks. We want to reiterate that the wireless industry continues to work to maintain our networks and work with the public safety community to minimize network downtime and focus on restoring services quickly. So given the risks of publicly disclosing sensitive information, as well as the fact that the FCC

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

already imposes a robust outage reporting regime that the state of Nebraska can currently access very easily, we would recommend not advancing LB1256.

**MOSER:** Senator Fredrickson.

**FREDRICKSON:** Thank you, Chair Moser. Thank you for being here today and for your testimony. Can you-- so I understand that you're opposing a state report. Can you help me understand what current reports do you-- do you provide when there's an outage?

**JAKE LESTOCK:** Yeah, so our members are required by the FCC to report any outages that happen, related to disasters, which is the DIRS reporting, as well as any outages that happen whether a service line goes down or something like that happens. So all that is required currently at the FCC, which can be accessed online by your state's PSC.

**FREDRICKSON:** So help me understand how-- you mentioned that you have privacy concerns about the possibility of doing a report to the state. Help me understand how you have concerns about that and at the same time it sounds like you're already providing similar reports.

**JAKE LESTOCK:** Yeah.

**FREDRICKSON:** How do those two--

**JAKE LESTOCK:** So the FCC is the-- is the agency federally that is handling this. We believe that their security systems are set in place in order to protect that information. As you can imagine, having public record of where outages could occur and make it easier for bad actors would be a huge security risk. And the FCC has privacy protection systems in place and would require-- when they have a certain entity like the PSC in Nebraska would apply for that information, they have to make sure that they adhere to require-- adhere to the principles to protect that information.

**FREDRICKSON:** So with that-- and maybe I'm not understanding this fully, but so if, if that information is publicly accessible online, how would that be harmful to also just provide directly to the PSC here?

**JAKE LESTOCK:** So it's not publicly accessible.

**FREDRICKSON:** OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**JAKE LESTOCK:** The state entity that wants to access this information just needs to apply online with the FCC. And once they go through the required system checks, then they're allowed to see that information.

**FREDRICKSON:** OK. Do you know what the timeline is typically for one of those applications?

**JAKE LESTOCK:** I could look into that. I'm not sure off the top of my head, but I would imagine it's pretty easily. And I would imagine the PSC probably has already done this as it's been in effect since 2022.

**FREDRICKSON:** OK. So just to be clear, so because your organizations or your companies are already providing this reporting, your concern of providing the exact same report to the state is like a-- is it strictly a privacy concern or do you have additional concerns outside of that about providing this to the state?

**JAKE LESTOCK:** Yeah, that's one concern as well as the, you know, reverting additional resources in order to send it here. I know it doesn't sound like much, but we would have to have staff in our member companies sending these over, as well as making sure that we're tracking every state if this starts happening in multiple states to make sure that we're doing this correctly. So that's going to add additional compliance costs for us. And we want to make sure if there's such an easy way for them to access this at the FCC that they just go that route versus, you know, burdening our providers to, to facilitate this information exchange.

**FREDRICKSON:** So, yeah, so my understanding is part of the function of this bill is that there's-- it actually hasn't been so easy to get the information from the FCC. And as you probably are aware, this past year in Nebraska we've had a number of 911 outages which certainly has some urgency to it. But I, I can appreciate your concerns about it if you have to track all 50 states. So thank you.

**JAKE LESTOCK:** Yeah, of course. Thank you.

**MOSER:** Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thank you for being here. I think I'm more confused now after you answered Senator Fredrickson's questions. You create this report already, it's accessible online through a specific portal, but you're opposed to the state having the same reports?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**JAKE LESTOCK:** So we're not opposed to the state having the reports, we're opposed to-- I mean, if the PSC wants to access those reports, they have the ability to do so now, and it's relatively easy. And then the public hearing component is another concern for us, as we don't know what a public hearing would look like. We don't know what type of information would be released there. We want to make sure to protect that information when we can.

**M. CAVANAUGH:** Have you asked the introducer or the PSC what the public hearing would look like?

**JAKE LESTOCK:** No, but I, I believe that these processes are already working through the PSC, the FCC. We believe that they're the components that should be looking into these and be happy to talk about it.

**M. CAVANAUGH:** So the PSC clearly does not agree with you that this process is working. So this is obviously an effort to address what they don't believe is working in partnership with the Legislature. And I'm not really hearing from you a willingness to address the issues that the PSC is raising.

**JAKE LESTOCK:** So the issues between the FCC and the PSC?

**M. CAVANAUGH:** Well, the PSC says that they would like the hearing. Commissioner Watermeier's testimony would help the Commission determine the cause of the outage and determine what steps might be necessary to prevent subsequent outages. That seems like that's the intention of having a public hearing. But you're concerned that classified information would come to light at the public hearing?

**JAKE LESTOCK:** It's possible. And if we can avoid that, that's what--

**M. CAVANAUGH:** Well, it's possible that classified information could come to light right now. This is a public hearing.

**JAKE LESTOCK:** Correct. But it's--

**M. CAVANAUGH:** Yet, you still attend it.

**JAKE LESTOCK:** Yes, of course, but it's not-- we're not disclosing sensitive information based on where 911 outages are happening.

**M. CAVANAUGH:** OK. So you don't want to disclose to the PSC where an outage has happened?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

**JAKE LESTOCK:** No. Of course we want to disclose the 911 outages to the appropriate agencies that determine that and we believe that's the FCC.

**M. CAVANAUGH:** OK. So you'll disclose it to the FCC and the FCC can disclose it to the PSC, but you don't want to have to disclose it to the PSC, you want to have the steps that the PSC currently goes through remain. We're trying to eliminate that step to, dare I say it, make government more efficient.

**JAKE LESTOCK:** Thank you for the-- your opinion. I understand the FCC has certain proprietary safety disclosures that we believe that they should be handling this and then make sure that whoever is going to access that information adheres to the principles that it takes to-- in order to access that information as well.

**M. CAVANAUGH:** So they can still access-- they can access the information currently. What-- why can you not work with Senator DeBoer and the PSC to put in similar guardrails to what access looks like while streamlining the process of getting the information?

**JAKE LESTOCK:** We understand the importance of getting this information in the right hands. But like I said, the FCC has privacy principles that the PSC will have to adhere to.

**M. CAVANAUGH:** And we could adopt the same privacy principles for the PSC to adhere to through legislation. We can adopt the exact same privacy principles.

**JAKE LESTOCK:** Thank you. I'm sensing this would be a duplicative role though. So if this is already happening, why would we need legislation to create duplicative processes to get the same information?

**M. CAVANAUGH:** Because we're not getting the information in a timely manner and we're trying to address that. So if we have to duplicate the parameters for security and safety, I'm sure we are willing to have that conversation. I'm looking around the room and I don't see anybody who's shaking their heads that they wouldn't have that conversation. But even though it's duplicative of, of a report, there's clearly a problem on the speed with which this information is being shared. And it is 911, as we heard in the previous bill, that this is a really essential service and it is a problem that we're having outages that can't be addressed quickly. So I find your

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

testimony in opposition to be very flummoxing and unsettling. Thank you, Mr. Chairman.

**MOSER:** OK. Other questions? Seeing no further questions, thank you.

**JAKE LESTOCK:** Thank you.

**MOSER:** Other opposition for LB1256? Seeing none, is there anyone to testify in the neutral capacity? Seeing none, Senator DeBoer, you're welcome to close on your bill.

**DeBOER:** Thank you, Chair Moser and members of the committee. This was a-- this was an unexpected direction that this hearing went into. I was not notified that anyone had any concerns with the bill. Certainly, I would have worked with them if I had. It sounds like, what I can put together from the testimony is that the gentleman is concerned that the Public Service Committee-- Commission would not have the same sorts of proprietary safeguards, which I'm quite certain they already do. And if not, we could certainly put those in place. The fact that they would be able to access the information later, after it was released on a website and then a portal or something like that, this is exactly what we're trying to avoid is that extra time. As far as the hearing, they're already having these hearings. The bill does not actually create something that didn't exist. It gives it a timeline. It says that the public hearing that they're going to have, we want to have them have it within 90 days of receipt of the report. It is not duplicative. I think we all know that there are things that we do here in the state government. I mean, if this is duplicative then we're duplicative because there is a-- there's a federal government that could just handle these things. Obviously, the state has an interest in providing access to 911 to its individual Nebraska residents. And so we have processes in place to try to safeguard those, and make sure that they get done in a timely manner and don't get lost somewhere else. So with respect, I would like to say that I think that this is not duplicative. This is, in fact, what we have a Public Service Commission for so that they can, within our borders, monitor things like our 911 project which, as you heard, is done on a state level and on a very local level. That was from the last hearing. I'm happy to work with the gentleman about any kind of privacy concerns that he might have and making sure that that's well stated in the bill. That's certainly my intention. I understand his concerns about wanting to make sure that that doesn't just sort of randomly get out into the public. And I think we can do that. The hearing itself, I'm sure, would also have those kinds of safeguards. I mean, we've had

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

hearings on these outages. They were just late. This is just to try to help them be faster. When I talked to the Public Service Commission, I asked them why? They said because they have to go about and get all the information all over again. You want to talk about duplicative. That's the issue. The issue is that there's a-- there's a perfectly good report that's been prepared that says what happened and then the Public Service Commission has to go through interrogatories with the companies and all these things to try to figure out what's already in the report. So the kind of extra information that they're going to be giving us or the extra time that they would be giving us they're going to save in not having to go through this process with the Public Service Commission, where they're replicating this information over a period of time through a much less, I don't know, all the same every time kind of situation. Because the reports, that's something they can know about ahead of time. Whereas if you're talking about the kinds of matters that would be going through the Public Service Commission, if they're going to have to do all these investigations themselves, you're talking about a back and forth with interrogatories, you're talking about all these kinds of discovery methods that they're going to be using. So I will continue to work on this. This bill is, I think, very important. We need to speed up this process. If you talk to your constituents who have been part of these 911 outages, they'll tell you they would really like to know so that they can feel comfortable that if there is a problem they have someone they can call and talk to and they can get help that they need. So I will continue to work on this and make sure that we have all the safeguards we need, but this is important and we should be doing this. Happy to answer any questions.

**MOSER:** Seeing none, thank you for your testimony. You're welcome to-- that'll conclude the hearing on LB1256. And now we're going to move on to LB1257. For LB1257, we received 3 proponent letters, no neutral, and no opposition letters. Welcome again.

**DeBOER:** Hello, Chair Moser and members of the Transportation and Telecommunications Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent the 10th Legislative District which is in northwest Omaha. I'm here today to introduce LB1257. Full disclosure, I introduced LB1257 as a placeholder bill in case there was an outcome from the PSC investigations into the 911 outages, which may have recommended a legislative solution. I wanted to have this bill to be there in that instance. At this time, nothing has been brought to my attention beyond what you've already heard today so I don't think we need to move this bill forward unless there is something else that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Transportation and Telecommunications Committee February 20, 2024  
Rough Draft

happens. Although inadvertently, apparently, we changed one word and people thought that it was better and that's how it garnered so much proponent testimony and maybe some folks in here will also tell you that they really like this bill, so. That's it if you have questions.

**MOSER:** Senator Cavanaugh.

**M. CAVANAUGH:** Thank you. Thank you, Senator DeBoer. Could you take us line by line, word by word through this bill and just let us know your thinking, like page 2, line 26 starts with "Establish."

**DeBOER:** Uh, no.

**M. CAVANAUGH:** OK.

**DeBOER:** I won't do that. I will say if you-- if you really want to know who has the best staff in the-- in the entire building, it's someone who has a staff that writes a shell bill that garners this much support so kudos to them.

**M. CAVANAUGH:** I think your staff is absolutely excellent so thank you.

**DeBOER:** All right. Thank you.

**MOSER:** Thank you for your testimony. Anybody here to support the shell bill? Anybody to speak in opposition? Oh, no wait, that can't talk. Any-- anybody to speak in opposition? Seeing none, anyone to speak in the neutral? Seeing none, Senator DeBoer waives her closing so that will conclude our hearings for today. Thank you very much for attending. We'll be having--