

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB1031

Hearing Date: Monday January 22, 2024
Committee On: Transportation and Telecommunications
Introducer: Bostelman
One Liner: Change provisions relating to the Nebraska Telecommunications Universal Service Fund, dark fiber leases, and broadband telecommunications services

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

Vote Results:

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

Testimony:

Proponents:

Senator Bruce Bostelman
Carley Bruning
Jake Hull
Candace Meredith
Bruce Rieker

Emily Haxby
Sarah Meier

Opponents:

Brian Thompson

Paul Schudel
Mary Vaggalis
Dayton Murty

Neutral:

Representing:

Opening Presenter
Thayer County Economic Development Alliance
Nebraska Rural Broadband Alliance
Nebraska Association County Officials
Nebraska Farm Bureau, Nebraska Cattlemen,
Nebraska Corn Growers Association, Nebraska Pork Producers, Nebraska Sorghum Growers, Nebraska Soybean Association, Nebraska State Dairy Association, Nebraska Wheat Growers Association, and Renewable Fuels Nebraska
Self
Rembolt Ludtke for Nebraska Rural Broadband Alliance

Representing:

Consolidated Companies, Inc and Nebraska Rural Independent Companies
Nebraska Rural Independent Companies
Windstream Communications
Charter Communications

Representing:

* ADA Accommodation Written Testimony



Summary of purpose and/or changes:

Section 1- Amends section 86-324.02 - Nebraska Universal Service Fund; High-Cost Support; Speed Tests. Adds a new subsection which provides that beginning July 1, 2025, the Nebraska Public Service Commission shall not provide high-cost support from the Nebraska Universal Service Fund to support any infrastructure that does not provide Internet access at speeds less than 100 megabits upload and 100 megabits download.

Section 2- Amends section 86-577 - Agency or Political Subdivision; Dark Fiber Leasing. The section is amended to modify the terms “served location” and “unserved location” for purposes of reviewing dark fiber leases filed with the Commission. “Served location” currently means a location able to receive communications at a minimum speed of 25 megabits download and 3 megabits upload speed. The speed requirement to be considered served is changed to a minimum speed of 100 megabits download and 100 megabits upload speed. “Unserved location” is currently considered a location that is not able to receive communication services at a minimum speed of 25 megabits download and a minimum upload speed of 3 megabits. The speed requirement to determine a location to be unserved is changed to a speed less than 100 megabits download and less than 20 megabits upload.

Section 3 - Amends section 86-1101 - Broadband Task Force; Legislative Intent. The section provides legislative intent concerning the provision and need for quality broadband in rural portions of Nebraska. The section states that all residents of the state should have access to broadband at a minimum download speed of 25 megabits download and 3 megabits upload speed. LB 1031 revises the speed requirement to a minimum of 100 megabits download and 100 megabits upload speed.

Explanation of amendments:

The Committee considered and adopted an amendment which accomplishes the following: The Standing Committee Amendment (AM 2780) amends LB 1031 as introduced and incorporates LB 865, LB 1038, LB 1255 as amended, LB 1256 as amended, and LB 1180 into LB 1031.

LB 1031- Sections 4, 6, 14, and 15, of AM2780

LB 1031 as amended harmonizes current statutory speed standards defining broadband services. The committee amendment retains the bill as introduced with the exception that new subsection (2) of Section 86-324.02 (Section 4) is stricken and replaced with the following:

Beginning 18 months after the effective date of the act, the Public Service Commission (PSC) shall not provide on-going high-cost support from the Nebraska Universal Service Fund (NUSF) to any location not capable of internet access at a speed less than 100 megabits per second for downloading, and at least 20 megabits per second (100/20 Mbps) for uploading unless the location is subject to a federally enforceable commitment to provide infrastructure providing broadband at 100/20 Mbps. Beginning January 1, 2029, the PSC shall provide no high-cost NUSF support to any broadband serviceable location not capable of providing 100/20 Mbps speed, notwithstanding any federally enforceable commitments.

The term “broadband serviceable location” is defined as a location at which fixed broadband access service is, or is able, to be installed.

LB 865- Section 16 of AM2780



LB 865 was introduced by Senator Bostelman and provides that on or before July 30, 2024, and each July 30 thereafter, every broadband provider operating in Nebraska shall report to the Nebraska Broadband Office information regarding each standard internet service plan advertised by the provider and the rate associated with each plan.

LB 865 was amended into LB 1031 on a 8-0 vote of the committee:

Aye- Senators Bosn, Bostelman, Brandt, Cavanaugh, DeBoer, DeKay, Fredrickson, Moser Nay- None

LB 865 had a public hearing on January 22, 2024, with the following testimony:

Proponents:

Senator Bruce Bostelman, Introducer

Emily Haxby, Self

Beth Bazyn Ferrell, Nebraska Association of County Officials

Bruce Rieker, NE Farm Bureau, NE Cattlemen, NE Corngrowers, NE Pork Producers, NE Sorghum Growers, NE Soybean Association, NE Dairy Association, NE Wheat Growers, Renewable Fuels Association

Opponents: None

Neutral: None

LB 1038- Section 5 of AM2780

LB 1038 introduced by Senator DeKay would revise the membership of the Nebraska Information Technology Commission to provide that of the five members appointed to the Commission from the general public, one shall have agriculture as their principal business or occupation.

LB 1038 was amended into LB 1031 on an 8-0 vote of the committee: Aye- Senators Bosn, Bostelman, Brandt, Cavanaugh, DeBoer, DeKay, Fredrickson, Moser Nay- None

LB 1038 had a public hearing on February 12, 2024, with the following testimony:

Proponents:

Senator Barry DeKay, Introducer

Opponents: None

Neutral: None

LB 1180- Section 3 of AM2780

LB 1180 was introduced by Senator Wishart and makes two changes to the Telecommunications Equipment Program which is administered by the Nebraska Public Service Commission. LB 1180 makes the following changes:

The number of persons residing in a home eligible to receive equipment assistance is changed from 1 to 2. Program participants may reapply for equipment assistance every three years, rather than every five years.

LB 1180 was amended into LB 1031 on a 7-1 vote of the committee:

Aye: Senators Bosn, Bostelman, Brandt, DeBoer, DeKay, Fredrickson, Moser



Nay: Senator Cavanaugh

LB 1180 had a public hearing on February 27, 2024, with the following testimony:

Proponents:

Senator Anna Wishart, Introducer

Norman Weverka, Self

Kelsey Cruz, Ne Commission for the Deaf and Hard of Hearing

Opponents- None

Neutral- None

LB 1255- Sections 1, 2, 3, 7, 8, 9, 10, 11, 12, of AM2780

LB 1255 as amended was introduced by Senator Fredrickson and revises provisions of the 911 Service System Act by adding new requirements (Section 11) for originating service providers and telecommunications relay providers to connect and route all 911 calls to the next generation 911 system to be answered. As amended, unless the Federal Communications Commission prescribes a different date, originating service providers, relay service providers, and the next-generation 911 service contractor shall ensure all 911 calls are transmitted to next-generation 911 points designated by the state 911 director no later than January 1, 2026.

An originating service provider, or relay service provider, may agree with the state 911 director to establish an alternative date to comply with translation and routing requirements.

Beginning November 15, 2024, and each November 15 thereafter, the next-generation 911 service contractor shall report to the Transportation and Telecommunications Committee and the state 911 director on the capabilities and redundancies of the next-generation 911 service network.

LB 1255 was amended into LB1031 on an 8-0 vote of the committee:

Aye- Bosn, Bostelman, Brandt, Cavanaugh, DeBoer, DeKay, Fredrickson, Moser

Nay- 0

LB 1255 had a public hearing on February 20, 2024, with the following testimony:

Proponents:

Senator John Fredrickson, Introducer

Tim Schram, Public Service Commission

Michael Dwyer, Self

Neil Miller, NE Sheriff's Association, Nebraska Police Chief's Association, Police Officers of Nebraska

Opponents:

Tip O'Neill, Nebraska Telecommunications Association

Brian Thompson, Consolidated Companies, Nebraska Advocacy Group

Trent Fellers- Windstream

Neutral- None

LB 1256- Sections 1, and 13 of AM2780



LB 1256 as amended was introduced by Senator DeBoer. The amendment substitutes for the bill and enacts a new provision of law in the 911 Service System Act (Section 13) that provides any communications service provider required to file 911 service outage reports with the Federal Communications Commission shall also file copies of such reports with the Nebraska Public Service Commission (PSC). The providers shall follow the same timelines as provided for in federal law and shall not be subject to public disclosure. When an outage report is received by the PSC, a public hearing shall be held within 90 days. The PSC may delay the hearing upon a showing of good cause, but for not more than 30 days. The hearing requirement may be waived by a majority vote of the PSC or if the service provider has, in good faith, withdrawn the initial report filed with the Federal Communications Commission.

The bill clarifies that nothing in the Act shall be construed to authorize the PSC to regulate any activity prohibited by Section 86-124.

LB 1256 was amended into LB 1031 on an 8-0 vote of the committee:

Aye: Bosn, Bostelman, Brandt, Cavanaugh, DeBoer, DeKay, Fredrickson, Moser

Nay- 0

LB 1256 had a public hearing on February 20, 2024, with the following testimony:

Proponents:

Senator Wendy DeBoer, Introducer

Neil Miller, Buffalo County Sheriff, Nebraska Sheriff's Association, Nebraska Police Chief's Association, Police Officer's Association, Nebraska Association of County Officials

Opponents:

Cellular Telecommunications and Internet Association

Neutral- None

Section by Section Summary

Section 1- Amends Section 75-109.01. Adds section references from LB 1255 and LB 1256.

Section 2- Amends Section 86-124. Adds a cross-reference to LB 1255.

Section 3- Amends Section 86-314. Changes equipment eligibility requirements and replacement restrictions under the Telecommunications Relay Act (LB 1180).

Section 4- Amends Section 324.02. Revises the eligibility requirements for the receipt of on-going, high-cost support from the Nebraska Universal Service Fund. (LB 1031)

Section 5- Amends Section 86-515. Requires an individual engaged in agriculture to be one of the five at-large members of the Nebraska Information Technology Commission. (LB 1038)

Section 6- Amends Section 86-577. Amends the terms "served location" and "unserved location" for the purpose of reviewing dark fiber leases. (LB 1031)

Section 7- Amends Section 86-1001. Adds a section cross-reference. (LB 1255)

Section 8- Amends Section 86-1003. Adds a section cross-reference. (LB 1255)



Section 9- Amends Section 86-1004. Adds a section cross-reference. (LB 1255)

Section 10- Enacts a new provision of law defining the term “telecommunications relay service.” (LB 1255)

Section 11- Enacts a new provision of law. Prescribes requirements for originating service providers to connect and route 911 calls to the next generation 911 service contractor. (LB 1255)

Section 12- Amends Section 86-1029. Adds a section cross-reference. (LB 1255)

Section 13- Enacts a new provision of law. Prescribes the procedure for communications service providers to file 911 service outage reports with the Public Service Commission and requirements for public hearings. (LB 1256)

Section 14- Amends Section 86-1101. Revises intent on minimum broadband speeds for purposes of the Rural Broadband Task Force. (LB 1031)

Section 15- Amends Section 86-1102. Changes the definition of “broadband services” for purposes of the Rural Broadband Task Force Act. (LB 1031)

Section 16- Amends Section 86-1301. Adds a section cross-reference. (LB 865)

Section 17- Enacts a new provision of law. Creates the requirement for broadband providers to provide information regarding service plans offered by providers. (LB 865)

Section 18- Operative dates

Section 19- Repealer

Section 20- Repealer

Section 21- Emergency Clause

Mike Moser, Chairperson

