

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1255

Introduced by Fredrickson, 20; DeBoer, 10.

Read first time January 16, 2024

Committee:

1 A BILL FOR AN ACT relating to telecommunications; to amend sections
2 86-124, 86-1001, 86-1003, 86-1004, and 86-1029, Revised Statutes
3 Cumulative Supplement, 2022, and section 75-109.01, Revised Statutes
4 Supplement, 2023; to provide jurisdiction and certain regulatory
5 authority for the Public Service Commission relating to next-
6 generation 911 service; to restate legislative intent, define terms,
7 provide powers and duties for the state 911 director, and reconstrue
8 commission authority under the 911 Service System Act; to harmonize
9 provisions; and to repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

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

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

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

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

1 and 75-702 to 75-724;

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

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

7 Sec. 2. Section 86-124, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 86-124 (1) The commission shall not regulate the following:

10 (a) One-way broadcast or cable television transmission of television
11 or radio signals;

12 (b) Mobile radio services, radio paging services, and wireless
13 telecommunications service;

14 (c) Interexchange services; and

15 (d) Internet-protocol-enabled service and voice over Internet
16 protocol service, including rates, service or contract terms, conditions,
17 or requirements for entry for such service.

18 (2) This section shall not affect or modify:

19 (a) The enforcement of criminal or civil laws, including, but not
20 limited to, laws concerning consumer protection and unfair or deceptive
21 trade practices which apply generally to the conduct of business;

22 (b)(i) Any entity's obligations or rights or commission authority
23 under section 86-122 and under 47 U.S.C. 251 and 252, as such sections
24 existed on January 1, 2019, and (ii) any carrier-to-carrier tariff rates,
25 service quality standards, interconnection agreements, or other
26 obligations for which the commission has jurisdiction under state or
27 federal law;

28 (c) Any requirement to contribute to any fund administered by the
29 commission authorized by the Enhanced Wireless 911 Services Act or the
30 Nebraska Telecommunications Universal Service Fund Act;

31 (d) Any commission jurisdiction over intrastate switched access

1 rates, terms, and conditions, including the resolution of disputes
2 arising from, and implementation of federal and state law with respect
3 to, intercarrier compensation;

4 (e) The eligibility and requirements for the receipt of funds from
5 the Nebraska Telecommunications Universal Service Fund and the rules,
6 regulations, and orders under the Nebraska Telecommunications Universal
7 Service Fund Act or the receipt of funds from the federal universal
8 service fund, regardless of the unregulated status of the provider's
9 service under this section;~~and~~

10 (f) Any entity's rights and obligations with respect to (i)
11 registration under section 86-125, (ii) the use of public streets, roads,
12 highways, and rights-of-way, or (iii) a certificate of public convenience
13 and necessity or a permit; ~~and -~~

14 (g) The commission's authority under section 8 of this act.

15 Sec. 3. Section 86-1001, Revised Statutes Cumulative Supplement,
16 2022, is amended to read:

17 86-1001 Sections 86-1001 to 86-1029.03 and sections 6 to 8 of this
18 act shall be known and may be cited as the 911 Service System Act.

19 Sec. 4. Section 86-1003, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 86-1003 It is the intent of the Legislature that:

22 (1) The commission plan, implement, coordinate, manage, maintain,
23 and provide funding assistance for a cost-efficient 911 service system;

24 (2) The commission provide for the coordination of 911 service on a
25 statewide basis;

26 (3) Local governing bodies be responsible for the dispatch and
27 provision of emergency services;

28 (4) As part of the coordination of statewide 911 service, the
29 commission secure stakeholder support and provide public education,
30 training, standards enforcement, dispute resolution, and program
31 evaluation for public safety answering points;

1 (5) The jurisdictions of the state, regional, and local governing
2 bodies be clearly defined and aligned to produce the most efficient
3 provision of 911 service, including next-generation 911 service
4 capability;

5 (6) The commission adopt statewide uniform standards for technical
6 support, training efficiency, and quality assurance for public safety
7 answering points;

8 (7) The express authority granted to the commission to implement the
9 911 Service System Act not be deemed to supersede or otherwise modify
10 section 86-124 or to provide the commission with any additional authority
11 not provided by law existing on April 19, 2016, including, but not
12 limited to, regulatory authority over originating service providers
13 except as provided under section 8 of this act; and

14 (8) Except as specifically provided in the 911 Service System Act,
15 nothing in the 911 Service System Act be deemed to supersede or modify
16 any commission authority provided by law or any commission order, rule,
17 or regulation existing on April 19, 2016.

18 Sec. 5. Section 86-1004, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 86-1004 For purposes of the 911 Service System Act, the definitions
21 found in sections 86-1005 to 86-1024 and sections 6 and 7 of this act
22 apply.

23 Sec. 6. Telecommunications relay services has the same meaning as
24 in 47 C.F.R. 9.3, as such regulation existed on January 1, 2024.

25 Sec. 7. Valid request means written notification by the state 911
26 director to an originating service provider or a provider of
27 telecommunications relay services to comply with the requirements of
28 section 8 of this act.

29 Sec. 8. (1) For purposes of this section, originating service
30 provider means the telecommunications service provider, whether by
31 wireline or wireless service, or the voice over Internet protocol service

1 provider providing the capability for customers to originate 911 calls.

2 (2)(a) Not later than six months after the effective date of this
3 act or within six months after a valid request is made, an originating
4 service provider shall:

5 (i) Transmit all 911 calls to next-generation 911 or other points
6 designated by the state 911 director that allow 911 calls to be answered;
7 and

8 (ii) Complete all translation and routing to deliver all 911 calls,
9 including associated location information in the requested Internet
10 protocol-enabled service format to next-generation 911 or other points
11 designated by the state 911 director that allow 911 calls to be answered.

12 (b) An originating service provider may enter into an agreement with
13 the state 911 director to establish an alternative timeframe for meeting
14 the requirements of subdivision (2)(a)(ii) of this section. The
15 originating service provider shall notify the state 911 director of the
16 dates and terms of the alternative timeframe within thirty days after
17 entering into such agreement.

18 (3)(a) Not later than one year after the effective date of this act
19 or within one year after a valid request is made, a provider of
20 telecommunications relay services shall:

21 (i) Transmit all 911 calls to next-generation 911 or other points
22 designated by the state 911 director that allow 911 calls to be answered;
23 and

24 (ii) Complete all translation and routing to deliver all 911 calls,
25 including associated location information in the requested Internet
26 protocol-enabled service format to next-generation 911 or other points
27 designated by the state 911 director that allow 911 calls to be answered.

28 (b) A provider of telecommunications relay services may enter into
29 an agreement with the state 911 director to establish an alternative
30 timeframe for meeting the requirements of subdivision (3)(a)(ii) of this
31 section. The provider shall notify the state 911 director of the dates

1 and terms of the alternative timeframe within thirty days after entering
2 into such agreement.

3 (4) Originating service providers and providers of
4 telecommunications relay services are responsible for the costs of
5 transmitting 911 calls to next-generation 911 or other points designated
6 by the state 911 director, including any costs associated with completing
7 the translation and routing necessary to transmit such calls and
8 associated location information in the requested Internet protocol-
9 enabled service format.

10 Sec. 9. Section 86-1029, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 86-1029 The express authority granted to the commission to implement
13 the 911 Service System Act shall not be deemed to supersede or otherwise
14 modify section 86-124 or to provide the commission with any additional
15 authority not provided by law existing on April 19, 2016, including, but
16 not limited to, regulatory authority over originating service providers
17 except as provided under section 8 of this act.

18 Sec. 10. Original sections 86-124, 86-1001, 86-1003, 86-1004, and
19 86-1029, Revised Statutes Cumulative Supplement, 2022, and section
20 75-109.01, Revised Statutes Supplement, 2023, are repealed.