

**Nebraska Educational Telecommunications Commission**  
**FCC Form 340**  
**New NCE FM Station**

**Established Local Applicant Documentation**

The Nebraska Educational Telecommunications Commission (“NETC”) is a state governmental entity in the State of Nebraska. It was established by an act of the state legislature and is codified in Chapter 79 of the Nebraska Revised Statute. NEB. REV. STAT. § 79-1316. *See* attached. As a state governmental entity, NETC is considered a local entity for purposes of the FCC noncommercial point system determination “throughout the area within which their authority extends.” *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Report and Order, 20 CR 301, 65 FR 36375, 15 FCC Rcd 7386, (April 21, 2000) at Paragraph 54.<sup>1</sup> Accordingly, as a state governmental entity, NETC qualifies as a local entity applicant throughout the state of Nebraska, including within the proposed service area. NETC has been in existence since 1963 (its history as licensee of numerous broadcast stations since at least 1984 is a matter of record with the Commission), and is therefore an “established” local entity pursuant to Section 73.7003(b)(1) of the FCC’s Rules, which requires continuous local applicant qualification for no fewer than two years. *See also* attached, excerpt from NETC’s “Governance” website, available at <https://nebraskapublicmedia.org/en/about/governance/nebraska-educational-telecommunications-commission/>.

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<sup>1</sup> “For example, the New York State government would be considered local throughout New York State, including New York City, but the New York City Board of Education would be local only in New York City” *Id.*



# 1 NEBRASKA LEGISLATURE

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## Nebraska Revised Statute 79-1316

[Revised Statutes](#) » [Chapter 79](#) » 79-1316

[Print Friendly](#)

[◀ 79-1315](#)

[Chapter 79 Index](#)

[79-1317 ▶](#)

### Chapter 79

#### 79-1316.

Educational telecommunications; commission; powers; duties.

The powers and duties of the Nebraska Educational Telecommunications Commission are:

- (1) To promote and sponsor a noncommercial educational television network to serve a series of interconnecting units throughout the State of Nebraska;
- (2) To promote and support locally operated or state-operated noncommercial educational radio stations with satellite receiving capabilities and improved transmitter coverage;
- (3) To apply for and to receive and hold such authorizations, licenses, and assignments of channels from the Federal Communications Commission as may be necessary to conduct such educational telecommunications programs by standard radio and television broadcast or by other telecommunications technology broadcast systems and to prepare, file, and prosecute before the Federal Communications Commission all applications, reports, or other documents or requests for authorization of any kind necessary or appropriate to achieve the purposes set forth in the Nebraska Educational Telecommunications Act;
- (4) To receive gifts and contributions from public and private sources to be expended in providing educational telecommunications facilities and programs;
- (5) To acquire real estate and other property as an agency of the State of Nebraska and to hold and use the same for educational telecommunications purposes;
- (6) To contract for the construction, repair, maintenance, and operation of telecommunications facilities;
- (7) To contract with common carriers, qualified under the laws of the State of Nebraska, to provide interconnecting channels or satellite facilities in support of radio, television, and other telecommunications technology services unless it is first determined by the Nebraska Educational Telecommunications Commission that state-owned interconnecting channels can be constructed and operated that would furnish a comparable quality of service at a cost to the state that would be less than if such channels were provided by qualified common carriers;
- (8) To provide for programming for the visually impaired, other print-handicapped persons, and the deaf and hard of hearing as authorized by the Federal Communications Commission under subsidiary communications authority rules, through contracts with appropriate nonprofit corporations or organizations which have been created for such purpose;
- (9) To arrange for the operation of statewide educational telecommunications networks, as directed by the Nebraska Educational Telecommunications Commission, consistent with the provisions of the federal Communications Act of 1934, as amended, and applicable rules and regulations, with policies of the Federal Communications Commission, in cooperation with the State Board of Education insofar as elementary and secondary education programs are concerned, and in cooperation with the Coordinating Commission for Postsecondary Education insofar as postsecondary education programs are concerned;
- (10) After taking into consideration the needs of the entire state, to establish and maintain general policies relating to the nature and character of educational telecommunications broadcasts or transmissions;
- (11) To review, or cause to be reviewed by a person designated by the commission, all programs presented on the network prior to broadcast or transmission to insure that the programs are suitable for viewing and listening. Such suitability shall be determined by evaluating the content of the program, and screening the



programs if necessary, as to their educational value and whether they enhance the cultural appreciation of the viewer and listener and do not appeal to his or her prurient interest. When it is obvious from an examination of the descriptive program materials that a program is suitable for presenting on the network, no further review shall be required;

(12) To cooperate with federal or state agencies for the purpose of obtaining matching federal or state funds and providing educational telecommunications facilities of all types throughout the state and to make such reports as may be required of recipients of matching funds;

(13) To arrange for and provide digital radio and television broadcast and other telecommunications technology transmissions of noncommercial educational telecommunications programs to Nebraska citizens and institutions, but no tax funds shall be used for program advertising which may only be financed out of funds received from foundations or individual gifts;

(14) To coordinate with Nebraska agencies that deal with telecommunications activities and are supported in whole or in part by public funds;

(15) To adopt bylaws for the conduct of its affairs;

(16) To make certain that the facilities are not used for any purpose which is contrary to the United States Constitution or the Constitution of Nebraska or for broadcasting propaganda or attempting to influence legislation;

(17) To publish such informational material as it deems necessary and it may, at its discretion, charge appropriate fees therefor. The proceeds of all such fees shall be remitted to the State Treasurer for credit to the State Educational Telecommunications Fund and shall be used by the commission solely for publishing such informational material. The commission shall provide to newspapers, radio stations, and other news media program schedules informing the public of programs approved by the commission; and

(18) To maintain a digital archive of programs and educational content containing stories, events, individuals, and performances which are significant or prominent in Nebraska history.

## Source

- Laws 1963, c. 468, § 3, p. 1497;
- Laws 1965, c. 535, § 2, p. 1682;
- Laws 1969, c. 743, § 1, p. 2799;
- Laws 1969, c. 744, § 1, p. 2802;
- Laws 1969, c. 742, § 2, p. 2796;
- Laws 1974, LB 306, § 1;
- Laws 1984, LB 645, § 4;
- Laws 1986, LB 461, § 2;
- R.S.1943, (1994), § 79-2103;
- Laws 1996, LB 900, § 972;
- Laws 1997, LB 347, § 53;
- [Laws 2000, LB 1328, § 1](#);
- [Laws 2011, LB331, § 1](#);
- [Laws 2014, LB692, § 4](#).

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# Nebraska Educational Telecommunications Commission

The Nebraska Educational Telecommunications Commission was created by the Educational Television Act, adopted by the 1963 Legislature. In 1984, the Legislature changed the commission's name and broadened its scope to include all educational telecommunications. The commission promotes and provides noncommercial educational telecommunications throughout Nebraska via broadcast, satellite, fiber optic, computer and other technologies.

The Nebraska Educational Telecommunications Commission holds the license for the nine transmitters and five translators that comprise the radio network. It also holds the license for eight of the nine television transmitters and for the 15 translators that comprise the television network. The ninth transmitter, KUON-TV, is licensed to the University of Nebraska Board of Regents. Through a long-standing agreement with the University of Nebraska-Lincoln and the Board of Regents, KUON-TV operates as the flagship station for Nebraska Public Media.

The Nebraska Educational Telecommunications Commission is comprised of 11 members. Nine are appointed by the governor and are subject to legislative approval. The Nebraska commissioner of education, or his or her designee, and the president of the University of Nebraska, or his or her designee, are standing members. Appointed members include: a Nebraska state college representative, a Nebraska community college representative, a Nebraska private educational institution representative, and two members of the public from each of the state's three congressional districts, none of whom may be associated with any of the institutions listed above. No more than four members of the commission may be actively engaged in the teaching