

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1054**

Introduced by Brewer, 43.

Read first time January 17, 2018

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend
- 2 sections 70-1001.01 and 70-1014, Revised Statutes Cumulative
- 3 Supplement, 2016; to redefine a term; to change provisions relating
- 4 to generation of electricity using wind; to harmonize provisions;
- 5 and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-1001.01, Revised Statutes Cumulative  
2 Supplement, 2016, is amended to read:

3 70-1001.01 For purposes of sections 70-1001 to 70-1028, unless the  
4 context otherwise requires:

5 (1) Board means the Nebraska Power Review Board;

6 (2) Electric suppliers or suppliers of electricity means any legal  
7 entity supplying, producing, or distributing electricity within the state  
8 for sale at wholesale or retail;

9 (3) Private electric supplier means an electric supplier producing  
10 electricity from a privately developed renewable energy generation  
11 facility that is not a public power district, a public power and  
12 irrigation district, a municipality, a registered group of  
13 municipalities, an electric cooperative, an electric membership  
14 association, any other governmental entity, or any combination thereof;

15 (4) Privately developed renewable energy generation facility means a  
16 facility that (a) generates electricity using solar, ~~wind~~, geothermal,  
17 biomass, landfill gas, or biogas, including all electrically connected  
18 equipment used to produce, collect, and store the facility output up to  
19 and including the transformer that steps up the voltage to sixty thousand  
20 volts or greater, and including supporting structures, buildings, and  
21 roads, unless otherwise agreed to in a joint transmission development  
22 agreement, (b) is developed, constructed, and owned, in whole or in part,  
23 by one or more private electric suppliers, and (c) is not wholly owned by  
24 a public power district, a public power and irrigation district, a  
25 municipality, a registered group of municipalities, an electric  
26 cooperative, an electric membership association, any other governmental  
27 entity, or any combination thereof;

28 (5) Regional transmission organization means an entity independent  
29 from those entities generating or marketing electricity at wholesale or  
30 retail, which has operational control over the electric transmission  
31 lines in a designated geographic area in order to reduce constraints in

1 the flow of electricity and ensure that all power suppliers have open  
2 access to transmission lines for the transmission of electricity;

3 (6) Representative organization means an organization designated by  
4 the board and organized for the purpose of providing joint planning and  
5 encouraging maximum cooperation and coordination among electric  
6 suppliers. Such organization shall represent electric suppliers owning a  
7 combined electric generation plant capacity of at least ninety percent of  
8 the total electric generation plant capacity constructed and in operation  
9 within the state;

10 (7) State means the State of Nebraska; and

11 (8) Unbundled retail rates means the separation of utility bills  
12 into the individual price components for which an electric supplier  
13 charges its retail customers, including, but not limited to, the separate  
14 charges for the generation, transmission, and distribution of  
15 electricity.

16 Sec. 2. Section 70-1014, Revised Statutes Cumulative Supplement,  
17 2016, is amended to read:

18 70-1014 (1) After hearing, the board shall have authority to approve  
19 or deny the application. Except as provided in section 70-1014.01 for  
20 special generation applications, before approval of an application, the  
21 board shall find that the application will serve the public convenience  
22 and necessity, and that the applicant can most economically and feasibly  
23 supply the electric service resulting from the proposed construction or  
24 acquisition, without unnecessary duplication of facilities or operations.

25 (2) If the application involves a transmission line or related  
26 facilities planned and approved by a regional transmission organization  
27 and the regional transmission organization has issued a notice to  
28 construct or similar notice or order to a utility to construct the line  
29 or related facilities, the board shall also consider information from the  
30 regional transmission organization's planning process and may consider  
31 the benefits to the region, which shall include Nebraska, provided by the

1 proposed line or related facilities as part of the board's process in  
2 determining whether to approve or deny the application.

3 (3) If a petition for intervention filed by a member of the public  
4 is granted, the board shall consider the evidence presented by the member  
5 of the public as part of the board's determination of whether the  
6 application will serve the public convenience and necessity.

7 ~~(3) A privately developed renewable energy generation facility is~~  
8 ~~exempt from this section if it complies with section 70-1014.02.~~

9 Sec. 3. Original sections 70-1001.01 and 70-1014, Revised Statutes  
10 Cumulative Supplement, 2016, are repealed.