

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 567**

Introduced by Haar, 21.

Read first time January 23, 2013

Committee:

A BILL

1 FOR AN ACT relating to public power; to amend section 70-1014,  
2 Revised Statutes Cumulative Supplement, 2012; to change  
3 provisions relating to approval of facilities and lines  
4 as prescribed; to harmonize provisions; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 70-1014, Revised Statutes Cumulative  
2 Supplement, 2012, is amended to read:

3           70-1014 (1) After hearing, the board shall have authority  
4 to approve or deny the application. Except as provided in section  
5 70-1014.01 for special generation applications and except as provided  
6 in section 70-1014.02, before approval of an application related to  
7 generation involving more than one hundred million dollars of  
8 investment or twenty megawatts in capacity, the board shall find  
9 that:

10           (a) The ~~the~~ application will serve the public convenience  
11 and necessity; and ~~, and that~~

12           (b) The benefits outweigh the risks, including  
13 consideration of (i) health and environmental impacts of the proposed  
14 generation facility, including impacts on air and water quality,  
15 including projected health care costs, (ii) economic impact to  
16 communities located near the proposed generation facility and the  
17 State of Nebraska, including job creation and tax revenue, (iii)  
18 impact on water usage from the proposed generation facility,  
19 including amount of water to be used, source of water, and the impact  
20 on agriculture and domestic use, (iv) risk analysis related to the  
21 life-cycle costs of generation, including projected fuel costs,  
22 regulatory compliance costs, and other related factors, and (v)  
23 economic impact of obtaining fuels from outside the State of  
24 Nebraska.

25           (2) If the applicant has met its burden with regard to

1 such considerations, the board shall determine whether the applicant  
2 can most economically and feasibly supply the electric service  
3 resulting from the proposed construction or acquisition, without  
4 unnecessary duplication of facilities or operations.

5           (3) If the application involves a transmission line or  
6 related facilities planned and approved by a regional transmission  
7 organization and the regional transmission organization has issued a  
8 notice to construct or similar notice or order to a utility to  
9 construct the line or related facilities, the board shall also  
10 consider information from the regional transmission organization's  
11 planning process and may consider the benefits to the region, which  
12 shall include Nebraska, provided by the proposed line or related  
13 facilities as part of the board's process in determining whether to  
14 approve or deny the application.

15           Sec. 2. Original section 70-1014, Revised Statutes  
16 Cumulative Supplement, 2012, is repealed.