

## LEGISLATIVE BILL 65

Approved by the Governor May 29, 2003

Introduced by Preister, 5

AN ACT relating to public power; to amend section 70-1014, Reissue Revised Statutes of Nebraska, and section 70-1001.01, Revised Statutes Supplement, 2002; to authorize special generation applications as prescribed; to provide duties for the Nebraska Power Review Board; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 70-1001.01, Revised Statutes Supplement, 2002, is amended to read:

70-1001.01. For ~~the~~ purposes of sections 70-1001 to 70-1027 and section 3 of this act, unless the context otherwise requires:

- (1) Board means the Nebraska Power Review Board;
- (2) Electric suppliers or suppliers of electricity means any legal entity supplying, producing, or distributing electricity within the state for sale at wholesale or retail;
- (3) Regional transmission organization means an entity independent from those entities generating or marketing electricity at wholesale or retail, which has operational control over the electric transmission lines in a designated geographic area in order to reduce constraints in the flow of electricity and ensure that all power suppliers have open access to transmission lines for the transmission of electricity;
- (4) Representative organization means an organization designated by the board and organized for the purpose of providing joint planning and encouraging maximum cooperation and coordination among electric suppliers. Such organization shall represent electric suppliers owning a combined electric generation plant capacity of at least ninety percent of the total electric generation plant capacity constructed and in operation within the state;
- (5) State means the State of Nebraska; and
- (6) Unbundled retail rates means the separation of utility bills into the individual price components for which an electric supplier charges its retail customers, including, but not limited to, the separate charges for the generation, transmission, and distribution of electricity.

Sec. 2. Section 70-1014, Reissue Revised Statutes of Nebraska, is amended to read:

70-1014. After hearing, the board shall have authority to approve or deny the application. ~~Before~~ Except as provided in section 3 of this act for special generation applications, before approval of an application, the board shall find that the application will serve the public convenience and necessity, and that the applicant can most economically and feasibly supply the electric service resulting from the proposed construction or acquisition, without unnecessary duplication of facilities or operations.

Sec. 3. An application by a municipality, a registered group of municipalities, a public power district, a public power and irrigation district, an electric cooperative, an electric membership association, or any other governmental entity for a facility that will generate not more than ten thousand kilowatts of electric energy at rated capacity and will generate electricity using solar, wind, biomass, landfill gas, methane gas, or hydropower generation technology or an emerging generation technology, including, but not limited to, fuel cells and micro-turbines, shall be deemed a special generation application. Such application shall be approved by the board if the board finds that (1) the application qualifies as a special generation application, (2) the application will provide public benefits sufficient to warrant approval of the application, although it may not constitute the most economically feasible generation option, and (3) the application under consideration represents a separate and distinct project from any previous special generation application the applicant may have filed.

Sec. 4. Original section 70-1014, Reissue Revised Statutes of Nebraska, and section 70-1001.01, Revised Statutes Supplement, 2002, are repealed.