

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1138**

Introduced by Dierks, 40; Dubas, 34; Preister, 5.

Read first time January 23, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to public power; to amend section 70-1014,  
2 Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to approval of applications for  
4 electric generation facilities; 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, Reissue Revised Statutes of  
2 Nebraska, 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 in subsection  
6 (2) of this section, before approval of an application, the board  
7 shall find that the application will serve the public convenience  
8 and necessity<sub>7</sub> and that the applicant can most economically and  
9 feasibly supply the electric service resulting from the proposed  
10 construction or acquisition<sub>7</sub> without unnecessary duplication of  
11 facilities or operations.

12           (2) For an application for an electric generation  
13 facility using a renewable energy resource, the board may approve  
14 the application when the board cannot make the necessary findings  
15 under subsection (1) of this section if:

16           (a) The board finds that the application will serve  
17 the public convenience and necessity and the electric generation  
18 facility will meet one or more of the following criteria: (i)  
19 Reduction of pollution; (ii) water conservation; (iii) displacement  
20 of domestic nonrenewable fuel sources; or (iv) economic advantage  
21 to the rural economy; and

22           (b) The criteria listed in subdivision (a) of this  
23 subsection provide substantial benefits that are deemed to outweigh  
24 the need for the findings required in subsection (1) of this  
25 section without causing the need for a significant increase in the

1 applicant's wholesale or retail electric rates.

2 For purposes of this section, electric generation  
3 facility using a renewable energy resource includes, but is not  
4 limited to, an electric generation facility using wind, solar,  
5 landfill gas, methane, geothermal energy, fuel cells, or biomass  
6 for its fuel source.

7 Sec. 2. Original section 70-1014, Reissue Revised  
8 Statutes of Nebraska, is repealed.