

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 471

Introduced by Fulton, 29; Haar, 21; McCoy, 39.

Read first time January 20, 2009

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to public power districts; to amend section
2 70-1014.01, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to special generation
4 applications; 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 70-1014.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 70-1014.01 ~~An~~ (1) Except as provided in subsection
4 (2) of this section, an application by a municipality, a
5 registered group of municipalities, a public power district, a
6 public power and irrigation district, an electric cooperative, an
7 electric membership association, or any other governmental entity
8 for a facility that will generate not more than ten thousand
9 kilowatts of electric energy at rated capacity and will generate
10 electricity using solar, wind, biomass, landfill gas, methane gas,
11 or hydropower generation technology or an emerging generation
12 technology, including, but not limited to, fuel cells and
13 micro-turbines, shall be deemed a special generation application.
14 Such application shall be approved by the board if the board
15 finds that (1) the application qualifies as a special generation
16 application, (2) the application will provide public benefits
17 sufficient to warrant approval of the application, although it
18 may not constitute the most economically feasible generation
19 option, and (3) the application under consideration represents a
20 separate and distinct project from any previous special generation
21 application the applicant may have filed.

22 (2)(a) An application by a municipality, a registered
23 group of municipalities, a public power district, a public power
24 and irrigation district, an electric cooperative, an electric
25 membership association, or any other governmental entity for a

1 facility that will generate more than ten thousand kilowatts of
2 electric energy at rated capacity and will generate electricity
3 using renewable energy sources such as solar, wind, biomass,
4 landfill gas, methane gas, or new hydropower generation technology
5 or an emerging technology, including, but not limited to, fuel
6 cells and micro-turbines, may be filed with the board if (i)
7 the total production from all such renewable projects, excluding
8 sales from such projects to other electric-generating entities,
9 does not exceed ten percent of total energy sales as shown in
10 the producer's Annual Electric Power Industry Report to the United
11 States Department of Energy and (ii) the applicant's governing body
12 conducts at least one advertised public hearing which affords the
13 ratepayers of the applicant a chance to review and comment on the
14 subject of the application.

15 (b) The application shall be approved by the board
16 if the board finds that (i) the applicant is using renewable
17 energy sources described in this subsection, (ii) that the total
18 production from all renewable projects of the applicant does
19 not exceed ten percent of the producer's total energy sales as
20 described in subdivision (2)(a) of his section, and (iii) the
21 applicant's governing body has conducted at least one advertised
22 public hearing which affords its ratepayers a chance to review and
23 comment on the subject of the application.

24 (3) A community-based energy development project
25 organized pursuant to the Rural Community-Based Energy Development

1 Act which intends to develop renewable energy sources for sale to
2 one or more Nebraska electric utilities described in this section
3 may also make an application to the board pursuant to subsection
4 (2) of this section if (a) the purchasing electric utilities
5 conduct a public hearing described in such subsection and (b)
6 the power and energy from the renewable energy sources is sold
7 exclusively to such electric utilities for a term of at least
8 twenty years.

9 Sec. 2. Original section 70-1014.01, Reissue Revised
10 Statutes of Nebraska, is repealed.