

AMENDMENTS TO LB 742

Introduced by Natural Resources

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 70-1014, Revised Statutes Cumulative
4 Supplement, 2010, is amended to read:

5 70-1014 After hearing, the board shall have authority to
6 approve or deny the application. Except as provided in section
7 70-1014.01 for special generation applications and except as
8 provided in section 70-1014.02, before approval of an application,
9 the board shall find that the application will serve the public
10 convenience and necessity, and that the applicant can most
11 economically and feasibly supply the electric service resulting
12 from the proposed construction or acquisition, without unnecessary
13 duplication of facilities or operations.

14 If the application involves a transmission line or
15 related facilities planned and approved by a regional transmission
16 organization and the regional transmission organization has issued
17 a notice to construct or similar notice or order to a utility
18 to construct the line or related facilities, the board shall also
19 consider information from the regional transmission organization's
20 planning process and may consider the benefits to the region, which
21 shall include Nebraska, provided by the proposed line or related
22 facilities as part of the board's process in determining whether to
23 approve or deny the application.

1 Sec. 2. Section 70-1014.01, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 70-1014.01 (1) Except as provided in subsection (2)
4 of this section, an application by a municipality, a registered
5 group of municipalities, a public power district, a public power
6 and irrigation district, an electric cooperative, an electric
7 membership association, or any other governmental entity, for
8 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 (a) the application qualifies as a special generation
16 application, (b) 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 (c) 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
26 facility that will generate more than ten thousand kilowatts of
27 electric energy at rated capacity and will generate electricity

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

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

22 ~~(3)~~ (3)(a) A community-based energy development project
23 organized pursuant to the Rural Community-Based Energy Development
24 Act or any privately developed project which intends to develop
25 renewable energy sources for sale to one or more Nebraska electric
26 utilities described in this section may also make an application
27 to the board pursuant to ~~subsection (2)~~ of this section if ~~(a)~~

1 this subsection if (i) the purchasing electric utilities conduct
2 a public hearing described in ~~such subsection~~ and ~~(b)~~ subdivision
3 (2) (a) of this section, (ii) the power and energy from the
4 renewable energy sources is sold exclusively to such electric
5 utilities for a term of at least twenty years, and (iii) the
6 total production from all such renewable projects, excluding sales
7 from such projects to other electric-generation entities, does
8 not exceed ten percent of total energy sales of such purchasing
9 electric utilities as shown in such utilities' Annual Electric
10 Power Industry Report to the United States Department of Energy or
11 the successor to such report.

12 (b) The application filed under subdivision (3) (a) of
13 this section shall be approved by the board if the board finds that
14 the purchasing electric utilities have met the conditions described
15 in subdivision (3) (a) of this section.

16 (4) No facility or part of a facility which is approved
17 pursuant to this section is subject to eminent domain by any
18 electric supplier, or by any other entity if the purpose of the
19 eminent domain proceeding is to acquire the facility for electric
20 generation or transmission.

21 Sec. 3. Original sections 70-1014 and 70-1014.01, Revised
22 Statutes Cumulative Supplement, 2010, are repealed.