

STATE OF NEBRASKA

POWER REVIEW BOARD



Jim Pillen
Governor

Timothy J. Texel
Executive Director
and General Counsel
301 Centennial Mall South
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January 8, 2026

Brandon Metzler
Clerk of the Nebraska Legislature
State Capitol, Room 2018
P.O. Box 94604
Lincoln, NE 68508

Dear Mr. Metzler:

Attached for electronic submission are the Nebraska Power Review Board's Regulation Review Forms for the Board's Rules of Practice and Procedure, in accordance with the requirement set out in Neb. Rev. Stat. § 84-904. The Board's Rules have three chapters. There is a separate form for each of the Board's three chapters that comprise the agency's Rules of Practice and Procedure.

Please let me know if you have any questions or need anything further. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Texel".

Timothy J. Texel

Attachments

Chuck Hutchison
Bellevue
Chair

Kristen L. Gottschalk
Colon
Vice Chair

MEMBERS
Bill Austin
Lincoln

Dennis E. Grennan
Columbus

David B. Liegl
Lincoln

Regulation Review Form

(Pursuant to Neb. Rev. Stat. § 84-904)

Agency Name:

Nebraska Power Review Board

Responsible Division or Board (if applicable):

Not Applicable

Citation of Rule / Regulation (i.e., 22 NAC Chapter 3):

Title 285 NAC Chapter 1

Rule and Regulation Title:

Rules of Procedure for Exhibits to Service Area Agreements

Brief explanation of the reason for the Rule / Regulation:

Chapter 1 informs electric utilities what exhibits are needed and how to prepare them in order to file an application to amend a service

area agreement, including maps and the information that must be shown on the maps.

Statutory Authority

Nebraska Statute — Requires/Authorizes Regulation?

Yes No

If yes, provide citation(s):

Neb. Rev. Stat. section 70-1006

Federal Statute/Mandate — Requires/Authorizes Regulation?

Yes No

If yes, provide citation(s):

Would changes require federal review/approval?

Yes No

Review Questions (Statutory Criteria)

1. Is the rule or regulation essential to the health, safety, or welfare of the public?

Yes No

2. Do the costs of the rule or regulation outweigh the benefits?

Yes No

If yes, provide explanation:

3. Does the agency have a process in place to measure the effectiveness of the rule or regulation?

Yes No

4. Has a less restrictive alternative been considered?

Yes No

If NO, provide explanation as to why a less restrictive alternative was not considered:

The Board is not aware of any less restrictive alternatives that could be used instead of rules of practice to establish what exhibits are needed and how to prepare them in order for a utility to file a proper application with the necessary information in order to amend an electric utility service area agreement.

5. Was the rule or regulation promulgated as a result of:

State Statutory Requirements Federal Statute/Mandate Court Decision

Provide citation(s):

Neb. Rev. Stat. section 70-1006

Name of Agency Review Designee: Timothy J. Texel

Signature of Agency Review Designee: 

Regulation Review Form

(Pursuant to Neb. Rev. Stat. § 84-904)

Agency Name:

Nebraska Power Review Board

Responsible Division or Board (if applicable):

Not Applicable

Citation of Rule / Regulation (i.e., 22 NAC Chapter 3):

Title 285 NAC Chapter 2

Rule and Regulation Title:

Rules and Procedure for Applying for Authorization for the Construction of Electric Generation Facilities, Electric Transmission Lines and/or Related Facilities, Wheeling, or Complaints

Brief explanation of the reason for the Rule / Regulation:

Chapter 2 sets out the requirements for how to prepare and file an application for authority to construct an electric generation facility, an electric transmission line, or a complaint against an electric utility. The rule provides forms to use for the applications, for other utilities to indicate their consent to the Board's approval of an application and waiver of a hearing, for use when a power supplier wishes to Protest the Board's approval of an application, for customers to use when filing a complaint against a utility, for a utility to reply to a complaint, and a completion statement on which utilities notify the Board of the actual final cost of a generation or transmission project.

Statutory Authority

Nebraska Statute — Requires/Authorizes Regulation?

Yes No

If yes, provide citation(s):

Neb. Rev. Stat. section 70-1006

Federal Statute/Mandate — Requires/Authorizes Regulation?

Yes No

If yes, provide citation(s):

Would changes require federal review/approval?

Yes No

Review Questions (Statutory Criteria)

1. Is the rule or regulation essential to the health, safety, or welfare of the public?
 Yes No

2. Do the costs of the rule or regulation outweigh the benefits?

Yes No

If yes, provide explanation:

3. Does the agency have a process in place to measure the effectiveness of the rule or regulation?

Yes No

4. Has a less restrictive alternative been considered?

Yes No

If NO, provide explanation as to why a less restrictive alternative was not considered:

The Board is not aware of a less restrictive alternative that could be used instead of rules of practice to set out mandatory procedures to be used when filing applications for generation or transmission projects, completion statements, and the forms power suppliers use when filing applications, completion statements, consents, protests, or when a utility customer files a complaint.

5. Was the rule or regulation promulgated as a result of:

State Statutory Requirements Federal Statute/Mandate Court Decision

Provide citation(s):

Neb. Rev. Stat. section 70-1006

Name of Agency Review Designee: Timothy J. Texel

Signature of Agency Review Designee: 

Regulation Review Form

(Pursuant to Neb. Rev. Stat. § 84-904)

Agency Name:

Nebraska Power Review Board

Responsible Division or Board (if applicable):

Not Applicable

Citation of Rule / Regulation (i.e., 22 NAC Chapter 3):

Title 285 NAC Chapter 3

Rule and Regulation Title:

Rules of Practice and Procedure Before the Nebraska Power Review Board

Brief explanation of the reason for the Rule / Regulation:

Chapter 3 sets out the many rules and procedures for how hearings will be conducted before the Board, including timelines, notice requirements, prehearing conferences, opening and closing statements, how to mark exhibits, order of evidence, subpoenas, depositions, and interrogatories. Chapter 3 also describes how informal and formal investigations of possible violations will be conducted, and what must be included in a public power district's petition for creation or a petition to amend the district's charter.

Statutory Authority

Nebraska Statute — Requires/Authorizes Regulation?

Yes No

If yes, provide citation(s):

Neb. Rev. Stat. section 70-1006

Federal Statute/Mandate — Requires/Authorizes Regulation?

Yes No

If yes, provide citation(s):

Would changes require federal review/approval?

Yes No

Review Questions (Statutory Criteria)

1. Is the rule or regulation essential to the health, safety, or welfare of the public?
 Yes No

2. Do the costs of the rule or regulation outweigh the benefits?

Yes No

If yes, provide explanation:

3. Does the agency have a process in place to measure the effectiveness of the rule or regulation?

Yes No

4. Has a less restrictive alternative been considered?

Yes No

If NO, provide explanation as to why a less restrictive alternative was not considered:

The Board is not aware of a less restrictive alternative that could be used instead of rules of practice to set out the mandatory procedural requirements for administrative hearings before the Board, as well as mandatory requirements for what needs to be included when a public power district files a Petition to Amend its charter.

5. Was the rule or regulation promulgated as a result of:

State Statutory Requirements Federal Statute/Mandate Court Decision

Provide citation(s):

Neb. Rev. Stat. section 70-1006

Name of Agency Review Designee: Timothy J. Texel

Signature of Agency Review Designee: 