

SPEAKER BARRETT: Thank you. Senator Schmit, followed by Senators Wesely and Robak.

SENATOR SCHMIT: A very quick question of Senator Morrissey. Then, Senator Morrissey, is reasonable notice an inch and a half classified-type ad nailed to the court house door and the city hall door in Omaha to notify 500,000 people a reasonable notice for those people?

SENATOR MORRISSEY: No.

SENATOR SCHMIT: Well, that is what you just approved in LB 298. You voted for the bill. Ladies and gentlemen, Senator Chambers is correct. The stipulation as to what is reasonable notice has arisen out of the dilemma between Nucor and NPPD because as...and he has quoted correctly from the judge's statement, but I want to point out this, that this same dilemma which faces NPPD faces OPPD, faces the REAs, faces the NRDs, faces every public entity. Now if you choose to try in your zealous endeavor to put a burden upon NPPD, you are going to do the same to each and every other public entity. I have no problem with that, but I just wanted to raise one other question. Senator Chambers asked the question, and justifiably so, why not put a notice in the billing statement? Not a bad question. The answer, as I would see it, is this. With hundreds of thousands of billing statements going out, what is to prevent myself as a customer from saying there was no notice in my envelope of a rate increase, and, therefore, I take the entity to court and protest the rate increase. There is no way that NPPD or OPPD, LES, or anyone else, Senator Wesely, can prove that they did, in fact, put that notice in there, and if they can't, then the burden is upon them. I have now at this time an NRD which sent a notice to a divorced wife's former residence of improvements being done under the NRD statutes. She did not receive the notice at her new address. She has a very legitimate complaint and it will probably result in some litigation. So if you get to...the more finite you make the notice requirements, the greater the burden upon the entity. Now I can understand and I did not condone the difficulty between NPPD and Nucor. That is being addressed, and this bill, by agreement between Nucor and NPPD, will have no impact upon that lawsuit. They have agreed upon that, so that is not an issue here. What is an issue is, do you want to place something in the statute, the judge has said the statutes are unclear. Therefore, we ought to try to