

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

April 6, 1999

LB 78

providers, three rebuttable presumptions are created. It'd be a rebuttable presumption that it would be in the public interest for: number one, MUD to extend or enlarge within Omaha or its zoning jurisdiction; number two, the natural gas utility serving natural gas on a franchise basis within a city of the primary, first, or second class, or village to extend within that municipality or its extraterritorial zoning jurisdiction; and, number three, MUD to extend or enlarge within its boundaries, as defined by statute, or within a municipality to which it serves gas on a franchise basis on the effective date of the act, or that municipality's zoning jurisdiction. Section 6 of the bill provides a prohibition on duplicative or redundant piping of a developed area, whether residential, commercial, or industrial. The phrase used in that section, and I quote here, "interior natural gas mains or natural gas services", end quote, refers to gas utility infrastructure placed within that subdivision for the purpose of serving natural gas at retail within that subdivision. It is not intended to promote placement of gas utility infrastructure along that area for the purpose of serving a different area. Rather, it's intended to stop the dual piping of the particular area in which the duplicate pipe is installed. If a utility disagrees that a proposed extension or enlargement is in the public interest, the matter may be submitted to the Public Service Commission for hearing and determination. When the Public Service Commission hears a dispute, it may only consider those books, records, or other documentation which has been made available by MUD to the investor-owned natural gas utility, or vice versa. In addition to providing an orderly basis for growth of natural gas utility infrastructure and avoiding duplicative and redundant piping, AM1069 accomplishes two other purposes. Section 2 of AM1069 prohibits the Metropolitan Utilities District from soliciting the franchise of a city or village unless the district is invited to do so by the city or village. The invitation would be in the form of a city council resolution asking the Metropolitan Utilities District to submit its proposal to provide service. The intent of this provision is to prevent any interference with the existing utility provider's franchise agreement while allowing a municipality the opportunity to deal with the Metropolitan Utilities District if it so chooses. No enforcement mechanism was specifically written into the section. It's the intent of the Legislature that, in the event of a