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LB 78

SENATOR BEUTLER: Senator, thank you very much. Senator Bruning, I would invite your response to the last question posed.

SENATOR CUDABACK: Would you yield, Senator Bruning?

SENATOR BRUNING: Yes, I will. Could you refresh me, Senator?

SENATOR BEUTLER: Yeah, if I can remember it. Basically, does the provision that gives the rebuttable presumption that a serving utility in a particular town, does that rebuttable presumption extend to expansions, one, beyond the city limit; two, beyond the zoning jurisdiction; or what was intended there?

SENATOR BRUNING: Essentially, Senator, what you have in this very tightly defined area is you have MUD with a statutorily defined service area, you have Peoples Natural Gas, the division of UtiliCorp, that serves the outlying areas. So MUD can branch outside of its service territory based on that statutory definition; Peoples cannot enter MUD's territory. So it's really a matter of time when a particular subdivision was served and what we're trying to prevent here is you may have a high-volume customer in the middle of a Peoples area. The reason I initially got involved in this bill, Werner Enterprises, as you're driving along the interstate there at about the Sapp Brothers exit you see Werner Trucking. MUD...that was a Peoples Natural Gas area, by and large. MUD came and piped out to it, which ended up being a double pipe situation. And so it's been kind of a mishmash of standards that this bill attempts to clean up for the public's safety, I believe. Does that answer your question, Senator?

SENATOR BEUTLER: It may have, but if it...but if it did I wasn't able to fit it into my...into my thinking. Let me just ask you about specific language then. If you look at page 4 of the amendment, starting with line 14, subsection (2)...

SENATOR BRUNING: Yes.

SENATOR BEUTLER: ...and this is the section that deals...that is Section 5, a part of Section 5 which...and Section 5 says, in