

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

April 4, 2006

LB 1249

bill talks about how there's two components that need to be resolved. Each of those is resolved. He says that we need to put territories so there's no duplicate piping. The PSC says there is none. The industry says there is none, after LB 78. The introducer of the underlying bill talks about how one should have permission from the PSC before placing the pipes in the ground. Great idea, but we already have a practice, at least in the metropolitan area of the utility, sending a letter to its competitor saying, here's what we're doing, object now or forever hold your peace, so that issue is resolved. And I have copies of those letters that the utilities district sends to its competitor. We had our colleagues get up and talk about how we need competition and yet, no one in here can refute the fact that if we have territories, that would eliminate competition. Your gas prices will go up because there is no competition. We had a member say that we need to keep local control. This would eliminate local control in some aspects and put that control in with the Public Service Commission. So I'm...quite frankly, I'm baffled why we are doing this. We have a number of my colleagues have gotten up and said we need to solve this problem this year, but the introducer of the underlying bill hasn't shown us that there's a problem. He has not shown us that there is a problem with the way the policy works today. Do Aquila and MUD dislike each other? Yes, immensely. But that is no justification to adopt the policy to resolve their issue. We need to adopt a policy that is the best policy for our ratepayers, and it is not territories. I didn't get into this because I, frankly, I was confident that the Chairman of the Urban Affairs Committee would be amended onto this bill, which would make it palatable--not acceptable to either side, but palatable. Sometimes the best result you can hope for, Cassandra, is when both sides are upset. So I haven't talked about the constitutional issues associated with the bill. I haven't but touched upon the issues surrounding whether or not there's value to a service territory and how we are foolishly just giving it to someone. Other states who have awarded exclusive territories have assessed a fee, whether it's a taxation or an outright fee. Other states who have given exclusive territories to an investor-owned utility have extracted a fee, and we're not doing that. Out of the kindness of our hearts, we're going to say to the investor-owned