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LB 1249

I'm discussing the committee amendment, why was it felt by the committee members that it would be better to strike the words "deems just and reasonable" and substitute in their place "determines to be in the public interest"?

SENATOR FRIEND: Senator Chambers, I don't recall off the top of my head. I mean, if...that was a little...I hope you...well, you do understand that. I don't recall off the top of my head. I know exactly what you're talking about, I just don't remember.

SENATOR CHAMBERS: Okay, that's all I will ask you. Members of the Legislature, to put this in context, I must read a bit. I'm going to go to line 1 of page 8. "Except in accordance with the provisions of a customer choice program or other unbundling program approved by the commission or as otherwise expressly permitted in the State Natural Gas Regulation Act, a jurisdictional utility or metropolitan utilities district shall not serve or offer to serve natural gas customers in an exclusive service area assigned to another jurisdictional utility or metropolitan utilities district nor shall it construct facilities to serve natural gas customers in an exclusive service area assigned to another such jurisdictional utility or metropolitan utilities district." Digressing, this is exciting! I have to pause a minute and say, be still, my beating heart! But I must press on. "The state, a jurisdictional utility, a metropolitan utilities district, or any other person who is injured or threatened with injury by conduct prohibited by this section may initiate a contested case proceeding with the commission." Now we're approaching the area where the committee amendment came into play. "Upon finding a violation of this section, the commission shall order appropriate corrective action, including discontinuance of the unauthorized natural gas service to natural gas customers, removal of the unauthorized natural gas service facilities, any combination of such remedies, or any other disposition the commission"--and here's the committee amendment--"determines to be in the public interest." I would insert after the word "determines" the two words "after investigation." So before the commission makes a determination of what corrective measures should be taken, the commission should conduct an investigation, and the purpose of it is to ascertain which, if any, of these