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LB 1249

SENATOR LANDIS: Okay. When we last had a rate case, do you have dissatisfaction with the results that happened in the last Aquila rate case, in the way that the PSC administered our existing underlying law with respect to diversification?

SENATOR CHAMBERS: I don't know what the last one was on diversification. The last thing I remember is when they wanted to raise rates without going through the process.

SENATOR LANDIS: What happened was, they were willing to go through the process, but they submitted a rate and our public advocate said that that was a good deal and suggested on behalf of the public that we take the negotiated opportunity. Do you think that the public advocate's investigatory resources are inadequate to examine the anti-diversification or anticross-subsidization language is inadequate?

SENATOR CHAMBERS: What I would have to be told by somebody knowledgeable--and I will consider you to be such a person--that the example that I gave, as outlandish as it is, could not happen under the existing law in Nebraska.

SENATOR LANDIS: So that the public advocate position which we created to speak on behalf of the public, and which is paid for by natural gas companies, to our knowledge up until now has not been an inadequate tool to help defend the public interest; would that be a fair characterization?

SENATOR CHAMBERS: I will accept your suggestion that that's the way it is.

SENATOR LANDIS: Okay. In that there has been no appeal process or public outcry, perhaps we might both agree that that would be evidence that it was satisfactory.

SENATOR CHAMBERS: Yes. It would be evidence, certainly.

SENATOR LANDIS: All right. So we've got some tools on the subsidization process and they haven't been failures. We've got tools for public advocacy and they haven't been failures, so far. In what way, then, is...