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LB 1249

the following basis: For jurisdictional utilities, the service area served on January 1, 2006--it says 2005 in the bill but it should be 2006, I believe--and any area into which extended service subsequent to such date as authorized by the commission. Those are the boundaries. Here is my answer to that, or here is my problem with it. This is far too vague. It provides for a potential loss of local control. We rap about local control all the time. We bounce it off these four walls all the time. That is a potential loss of local control. Maybe not, but it might be. The way I read it, it could possibly be. That's vague. Because it's vague, I don't want to stick language like this or go in this direction that's dictating a potential flaw in public policy. Number two, if you go to Section 8 and 9, it tells us in this bill, Section 8 tells us the exclusive service areas for each jurisdictional utility or metropolitan utilities district, as established and modified, are shown on the official map. After notice--this is key--after notice in (sic) hearing to affected jurisdictional utilities and metropolitan utilities district, the commission may modify those boundaries. That's interesting. You know what else it is? It's different than what the PSC is doing right now. This is a fundamental change. This is key. The PSC does not have guidelines, procedures, regulations and everything out...laid out, everything else laid out, if LB 1249 passes, to deal with this. This is a fundamental change in current law in this arena. Section 9: Except as provided in Section 15 of this act, a jurisdictional utility or metropolitan utilities district shall not extend service into an area not presently within a defined exclusive service territory, except upon application to the commission for a modification of its existing exclusive area, to cover that area. That's important too. We have to understand what that's saying, or what it's not saying. This language, to me, is not necessary. Here's why. The passage of LB 78 in 1999 took care of that. Current law handles this issue in Section 9. We can deny that and we can say that it's inadequate. That's a possibility, that it is inadequate. We can try to deny it. I don't believe that that's fair. I don't think we can deny it. Current law deals with that. The third thing, it's esoteric. We dealt with this all day yesterday, part of the day yesterday, more esoteric in nature. Section 5 defines...(1) defines the exclusive territories of jurisdictional utilities and