

LEGISLATIVE BILL 729

Approved by the Governor March 12, 1984

Introduced by Schmit, 23

AN ACT relating to public power; to amend section 70-1012, Reissue Revised Statutes of Nebraska, 1943; to provide an exception from an approval requirement for acquisition of certain transmission lines and facilities; to eliminate a presumption relating to such lines and facilities; to repeal the original section, and also section 70-1012.02, Revised Statutes Supplement, 1983; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 70-1012, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-1012. Before any electric generation facilities or any transmission lines or related facilities carrying more than seven hundred volts are constructed or acquired by any supplier, an application, filed with the board and containing such information as the board shall prescribe, shall be approved by the board, except that such approval shall not be required (1) for the construction or acquisition of a transmission line extension or related facilities within a supplier's own service area or for the construction or acquisition of a line not exceeding one half mile outside its own service area when all owners of electric lines located within one half mile of the extension consent thereto in writing and such consents are filed with the board, ~~or~~ (2) for any generation facility when the board finds that: (a) Such facility is being constructed or acquired to replace a generating plant owned by an individual municipality or registered group of municipalities with a capacity not greater than that of the plant being replaced, (b) such facility will generate less than twenty-five thousand kilowatts of electric energy at rated capacity, and (c) the applicant will not use the plant or transmission capacity to supply wholesale power to customers outside the applicant's existing retail service area or chartered territory, or (3) for acquisition of transmission lines or related facilities, within the state, carrying one hundred fifteen thousand volts or less, if the current owner of the transmission lines or related facilities notifies the board of the lines or facilities involved in the transaction and the parties to the transaction.

Sec. 2. That original section 70-1012, Reissue

Revised Statutes of Nebraska, 1943, and also section 70-1012.02, Revised Statutes Supplement, 1983, are repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.