

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1047

Introduced by Bostelman, 23.

Read first time January 18, 2022

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend
2 sections 70-1001, 70-1001.01, and 70-1025, Reissue Revised Statutes
3 of Nebraska; to change a declaration of policy; to define a term; to
4 change requirements for an annual report as prescribed; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-1001, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 70-1001 (1) In order to provide the citizens of the state with
4 adequate and reliable electric service at as low overall cost as
5 possible, consistent with sound business practices, it is the policy of
6 this state to avoid and eliminate conflict and competition between public
7 power districts, public power and irrigation districts, individual
8 municipalities, registered groups of municipalities, electric membership
9 associations, and cooperatives in furnishing electric energy to retail
10 and wholesale customers, to avoid and eliminate the duplication of
11 facilities and resources which result therefrom, and to facilitate the
12 settlement of rate disputes between suppliers of electricity.

13 (2) It is also the policy of the state to prepare for an evolving
14 retail electricity market if certain conditions are met which indicate
15 that retail competition is in the best interests of the citizens of the
16 state. The determination on the timing and form of competitive markets is
17 a matter properly left to the states as each state must evaluate the
18 costs and benefits of a competitive retail market based on its own unique
19 conditions. Consequently, there is a need for the state to monitor
20 whether the conditions necessary for its citizens to benefit from retail
21 competition exist.

22 (3) It is also the policy of the state to encourage and allow
23 opportunities for private developers to develop, own, and operate
24 renewable energy facilities intended for sale at wholesale under a
25 statutory framework which protects the ratepayers of consumer-owned
26 utility systems operating in the state from subsidizing the costs of such
27 export facilities through their rates.

28 Sec. 2. Section 70-1001.01, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 70-1001.01 For purposes of sections 70-1001 to 70-1028, unless the
31 context otherwise requires:

1 (1) Board means the Nebraska Power Review Board;

2 (2) Electric suppliers or suppliers of electricity means any legal
3 entity supplying, producing, or distributing electricity within the state
4 for sale at wholesale or retail;

5 (3) Private electric supplier means an electric supplier producing
6 electricity from a privately developed renewable energy generation
7 facility that is not a public power district, a public power and
8 irrigation district, a municipality, a registered group of
9 municipalities, an electric cooperative, an electric membership
10 association, any other governmental entity, or any combination thereof;

11 (4) Privately developed renewable energy generation facility means a
12 facility that (a) generates electricity using solar, wind, geothermal,
13 biomass, landfill gas, or biogas, including all electrically connected
14 equipment used to produce, collect, and store the facility output up to
15 and including the transformer that steps up the voltage to sixty thousand
16 volts or greater, and including supporting structures, buildings, and
17 roads, unless otherwise agreed to in a joint transmission development
18 agreement, (b) is developed, constructed, and owned, in whole or in part,
19 by one or more private electric suppliers, and (c) is not wholly owned by
20 a public power district, a public power and irrigation district, a
21 municipality, a registered group of municipalities, an electric
22 cooperative, an electric membership association, any other governmental
23 entity, or any combination thereof;

24 (5) Regional transmission organization means an entity independent
25 from those entities generating or marketing electricity at wholesale or
26 retail, which has operational control over the electric transmission
27 lines in a designated geographic area in order to reduce constraints in
28 the flow of electricity and ensure that all power suppliers have open
29 access to transmission lines for the transmission of electricity;

30 (6) Reliable or reliability means the ability of an electric
31 supplier whose chartered territory comprises more than one-half of the

1 counties in Nebraska or whose service area contains a city of the
2 metropolitan class to provide firm electric generation or transmission so
3 that electricity is available to be dispatched to serve firm or non-firm
4 load needs in the state continuously for twenty-four hours per day, seven
5 days per week;

6 (7) ~~(6)~~ Representative organization means an organization designated
7 by the board and organized for the purpose of providing joint planning
8 and encouraging maximum cooperation and coordination among electric
9 suppliers. Such organization shall represent electric suppliers owning a
10 combined electric generation plant capacity of at least ninety percent of
11 the total electric generation plant capacity constructed and in operation
12 within the state;

13 (8) ~~(7)~~ State means the State of Nebraska; and

14 (9) ~~(8)~~ Unbundled retail rates means the separation of utility bills
15 into the individual price components for which an electric supplier
16 charges its retail customers, including, but not limited to, the separate
17 charges for the generation, transmission, and distribution of
18 electricity.

19 Sec. 3. Section 70-1025, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 70-1025 (1) The representative organization shall file with the
22 board a coordinated long-range power supply plan containing the following
23 information:

24 (a) The identification of all electric generation plants operating
25 or authorized for construction within the state that have a rated
26 capacity of at least twenty-five thousand kilowatts;

27 (b) The identification of all transmission lines located or
28 authorized for construction within the state that have a rated capacity
29 of at least two hundred thirty kilovolts; and

30 (c) The identification of all additional planned electric generation
31 and transmission requirements needed to serve estimated power supply

1 demands within the state for a period of twenty years.

2 (2) Beginning in 1986, the representative organization shall file
3 with the board the coordinated long-range power supply plan specified in
4 subsection (1) of this section, and the board shall determine the date on
5 which such report is to be filed, except that such report shall not be
6 required to be filed more often than biennially.

7 (3) An annual load and capability report shall be filed with the
8 board by the representative organization. The report shall include:

9 (a) Statewide utility load and reliability forecasts and
10 the resources available to satisfy the loads over a twenty-year period;

11 (b) The firm electric generation resources available to be scheduled
12 and dispatched to serve firm or non-firm load needs in the state in such
13 a manner as to clearly illustrate a twenty-year-look-ahead-forecast for
14 both summer peak load conditions and winter peak load conditions; and

15 (c) For any firm electric generation plant that does not have the
16 capability to store a forty-five-day-supply of fuel onsite, (i)
17 identification of those fuel suppliers who can deliver adequate fuel
18 supply during summer and winter peak load conditions, (ii) an estimate of
19 the volume of fuel required during such load periods, and (iii)
20 verification of the suppliers' ability to deliver such fuel amounts
21 needed, including by what means of delivery such as ground transportation
22 or pipeline. Such information shall be provided by the operator of the
23 plant to the representative organization.

24 (4) The annual load and capability report shall be filed on dates
25 specified by the board.

26 Sec. 4. Original sections 70-1001, 70-1001.01, and 70-1025, Reissue
27 Revised Statutes of Nebraska, are repealed.