

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1027**

Introduced by Storm, 23; Clouse, 37; DeKay, 40; Sorrentino, 39; Strommen, 47.

Read first time January 13, 2026

Committee: Natural Resources

1 A BILL FOR AN ACT relating to electricity; to amend sections 70-1012.01,  
2 70-1013, and 70-1014.01, Reissue Revised Statutes of Nebraska, and  
3 sections 70-1012, 70-1014, 70-1014.02, and 70-1015, Revised Statutes  
4 Supplement, 2025; to eliminate certain exemptions applicable to  
5 privately developed renewable energy generation facilities; to  
6 change requirements for the construction of privately developed  
7 renewable energy generation facilities; to harmonize provisions; and  
8 to repeal the original sections.

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

1       **Section 1.** Section 70-1012, Revised Statutes Supplement, 2025, is  
2 amended to read:

3       70-1012 (1) Before any electric generation facilities or any  
4 transmission lines or related facilities carrying more than seven hundred  
5 volts are constructed or acquired by any supplier, an application, filed  
6 with the board and containing such information as the board shall  
7 prescribe, shall be approved by the board, except that such approval  
8 shall not be required (a) for the construction or acquisition of a  
9 transmission line extension or related facilities within a supplier's own  
10 service area or for the construction or acquisition of a line not  
11 exceeding one-half mile outside its own service area when all owners of  
12 electric lines located within one-half mile of the extension consent  
13 thereto in writing and such consents are filed with the board, (b) for  
14 any generation facility when the board finds that (i) such facility is  
15 being constructed or acquired to replace a generating plant owned by an  
16 individual municipality or registered group of municipalities with a  
17 capacity not greater than that of the plant being replaced, (ii) such  
18 facility will generate less than twenty-five thousand kilowatts of  
19 electric energy at rated capacity, and (iii) the applicant will not use  
20 the plant or transmission capacity to supply wholesale power to customers  
21 outside the applicant's existing retail service area or chartered  
22 territory, (c) for acquisition of transmission lines or related  
23 facilities, within the state, carrying one hundred fifteen thousand volts  
24 or less, if the current owner of the transmission lines or related  
25 facilities notifies the board of the lines or facilities involved in the  
26 transaction and the parties to the transaction, or (d) for the  
27 construction of a qualified facility as defined in section 70-2002.

28       (2)(a) Before any electric supplier commences construction of or  
29 acquires an electric generation facility or transmission lines or related  
30 facilities carrying more than seven hundred volts that will be or are  
31 located within a ten-mile radius of a military installation, the owner of

1 such facility, transmission lines, or related facilities shall provide  
2 written notice certifying to the board that such facility or facilities  
3 contain no electronic-related equipment or electronic-related components  
4 manufactured by any foreign adversary.

5 (b) Any electric supplier supplying, producing, or distributing  
6 electricity within the state for sale at retail is exempt from  
7 subdivision (a) of this subsection if it is in compliance with the  
8 critical infrastructure protection requirements issued by the North  
9 American Electric Reliability Corporation. To receive such exemption, the  
10 electric supplier shall submit written notice to the board certifying  
11 that it is in such compliance. The electric supplier shall also submit  
12 written notice to the board at any time such supplier is no longer in  
13 such compliance.

14 (3)(a) Before any electric supplier not exempt from subdivision (2)  
15 (a) of this section commences construction of or acquires an electric  
16 generation facility or transmission lines or related facilities carrying  
17 more than seven hundred volts that will be or are located within a ten-  
18 mile radius of a military installation, the electric supplier shall,  
19 following consultation with such supplier's vendors, submit a one-time  
20 written notice to the board certifying that such facility or facilities  
21 continually contain no electronic-related equipment or electronic-related  
22 components manufactured by any foreign adversary.

23 (b) The electric supplier shall also submit written notice to the  
24 board at any time such facility or facilities are no longer in compliance  
25 with the certification provided under subdivision (a) of this subsection.

26 (4) Notwithstanding subsections (2) and (3) of this section, an  
27 electric supplier required to provide certification under subsection (2)  
28 of this section may use electronic-related equipment or electronic-  
29 related components manufactured by a foreign adversary if the board  
30 preapproves the use of such equipment or components after finding that:

31 (a) There is no other reasonable option for procuring such equipment

1 or components; and

2 (b) Not procuring or using such equipment or components would cause  
3 a greater harm to the state or residents of the state than the harm  
4 associated with the equipment or components.

5 ~~(5) A privately developed renewable energy generation facility is  
6 exempt from this section if it complies with section 70-1014.02.~~

7 **Sec. 2.** Section 70-1012.01, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 70-1012.01 (1) If a supplier terminates construction or acquisition  
10 of electric generation or transmission facilities after receiving  
11 approval for the facilities from the board, the supplier shall file with  
12 the board, within thirty days after the action taken to terminate  
13 construction or acquisition, a statement of the factors or reasons relied  
14 upon by the supplier in taking such action. Within ten days after receipt  
15 of such a filing, the board shall give notice of the filing to such other  
16 suppliers as it deems interested or affected by such action and it shall  
17 hold a hearing for the purpose of obtaining such additional information  
18 as the board deems advisable or necessary to inform other suppliers and  
19 the public of the reasons for such termination. Notice of any such  
20 hearing shall be given to those suppliers previously given notice of the  
21 filing and to any other parties expressing interest in the approved  
22 application.

23 (2) The board shall not have authority to approve or deny the action  
24 of a supplier terminating construction or acquisition, and any such  
25 filing or hearing shall be advisory and solely for the purpose of  
26 informing the board, other suppliers, interested parties, and the  
27 ratepayers of this state of the factors or reasons relied upon in taking  
28 action to terminate construction or acquisition.

29 (3) Nothing in this section shall constitute or be construed as a  
30 defense to any cause of action, including a claim for breach of contract,  
31 resulting from such termination.

1       (4) A privately developed renewable energy generation facility is  
2 exempt from this section if it complies with section 70-1014.02.

3       **Sec. 3.** Section 70-1013, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5       70-1013 (1) Upon application being filed under section 70-1012, the  
6 board shall fix a time and place for hearing and shall give ten days' notice by mail to such power suppliers as it deems to be affected by the  
7 application. The hearing shall be held within sixty days unless for good  
8 cause shown the applicant requests in writing that such hearing not be  
9 scheduled until a later time, but in any event such hearing shall be held  
10 not more than one hundred twenty days after the filing of the application  
11 and the board shall give its decision within sixty days after the  
12 conclusion of the hearing. Any parties interested may appear, file  
13 objections, and offer evidence. The board may grant the application  
14 without notice or hearing, upon the filing of such waivers as it may  
15 require, if in its judgment the finding required by section 70-1014 or  
16 70-1014.01 can be made without a hearing. Such hearing shall be conducted  
17 as provided in section 70-1006. The board may allow amendments to the  
18 application, in the interests of justice.

20       (2) A privately developed renewable energy generation facility is  
21 exempt from this section if it complies with section 70-1014.02.

22       **Sec. 4.** Section 70-1014, Revised Statutes Supplement, 2025, is  
23 amended to read:

24       70-1014 (1) After hearing, the board shall have authority to approve  
25 or deny the application. Except as provided in section 70-1014.01 for  
26 special generation applications, before approval of an application, the  
27 board shall find that:

28       (a) The application will serve the public convenience and necessity,  
29 and that the applicant can most economically and feasibly supply the  
30 electric service resulting from the proposed construction or acquisition  
31 without unnecessary duplication of facilities or operations; and

1           (b)(i) For any proposed electric generation facility that has a  
2 generating capacity that is greater than ten megawatts, the applicant has  
3 held at least one public meeting with advanced publicized notice in one  
4 of the counties in which the proposed facility will be located at which  
5 (A) at least fifty percent of the governing body of the electric supplier  
6 attends either in person or by videoconference, but with not less than  
7 one member of the governing body physically present, (B) the applicant  
8 explains the need for the proposed facility and the type of facility, and  
9 (C) real property owners in any of the counties in which the proposed  
10 facility will be located are provided an opportunity to comment on the  
11 proposed facility. The applicant shall provide a report to the board  
12 containing the minutes of any such meeting and how many people commented  
13 on the proposed facility. Documentation received at any such meeting  
14 shall be made available to the board upon its request. A meeting  
15 described in this subdivision is not subject to the requirements  
16 described in subdivision (2)(b)(iv) of section 84-1411.

17           (ii) This subdivision (b) shall not apply if the proposed facility  
18 will be located on real property owned by the applicant at the time of  
19 application.

20           (2) If the application involves a transmission line or related  
21 facilities planned and approved by a regional transmission organization  
22 and the regional transmission organization has issued a notice to  
23 construct or similar notice or order to a utility to construct the line  
24 or related facilities, the board shall also consider information from the  
25 regional transmission organization's planning process and may consider  
26 the benefits to the region, which shall include Nebraska, provided by the  
27 proposed line or related facilities as part of the board's process in  
28 determining whether to approve or deny the application.

29           (3) ~~A privately developed renewable energy generation facility is  
30 exempt from this section if it complies with section 70-1014.02.~~

31           **Sec. 5.** Section 70-1014.01, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 70-1014.01 (1) Except as provided in subsection (2) of this section,  
3 an application by a municipality, a registered group of municipalities, a  
4 public power district, a public power and irrigation district, an  
5 electric cooperative, an electric membership association, or any other  
6 governmental entity, for a facility that will generate not more than ten  
7 thousand kilowatts of electric energy at rated capacity and will generate  
8 electricity using solar, wind, biomass, landfill gas, methane gas, or  
9 hydropower generation technology or an emerging generation technology,  
10 including, but not limited to, fuel cells and micro-turbines, shall be  
11 deemed a special generation application. Such application shall be  
12 approved by the board if the board finds that (a) the application  
13 qualifies as a special generation application, (b) the application will  
14 provide public benefits sufficient to warrant approval of the  
15 application, although it may not constitute the most economically  
16 feasible generation option, and (c) the application under consideration  
17 represents a separate and distinct project from any previous special  
18 generation application the applicant may have filed.

19 (2)(a) An application by a municipality, a registered group of  
20 municipalities, a public power district, a public power and irrigation  
21 district, an electric cooperative, an electric membership association, or  
22 any other governmental entity for a facility that will generate more than  
23 ten thousand kilowatts of electric energy at rated capacity and will  
24 generate electricity using renewable energy sources such as solar, wind,  
25 biomass, landfill gas, methane gas, or new hydropower generation  
26 technology or an emerging technology, including, but not limited to, fuel  
27 cells and micro-turbines, may be filed with the board if (i) the total  
28 production from all such renewable projects, excluding sales from such  
29 projects to other electric-generating entities, does not exceed ten  
30 percent of total energy sales as shown in the producer's Annual Electric  
31 Power Industry Report to the United States Department of Energy and (ii)

1 the applicant's governing body conducts at least one advertised public  
2 hearing which affords the ratepayers of the applicant a chance to review  
3 and comment on the subject of the application.

4 (b) The application filed under subdivision (2)(a) of this section  
5 shall be approved by the board if the board finds that (i) the applicant  
6 is using renewable energy sources described in this subsection, (ii)  
7 total production from all renewable projects of the applicant does not  
8 exceed ten percent of the producer's total energy sales as described in  
9 subdivision (2)(a) of this section, and (iii) the applicant's governing  
10 body has conducted at least one advertised public hearing which affords  
11 its ratepayers a chance to review and comment on the subject of the  
12 application.

13 (3)(a) A community-based energy development project organized  
14 pursuant to the Rural Community-Based Energy Development Act or any  
15 privately developed project which intends to develop renewable energy  
16 sources for sale to one or more Nebraska electric utilities described in  
17 this section may also make an application to the board pursuant to this  
18 subsection if (i) the purchasing electric utilities conduct a public  
19 hearing described in subdivision (2)(a) of this section, (ii) the power  
20 and energy from the renewable energy sources is sold exclusively to such  
21 electric utilities for a term of at least twenty years, and (iii) the  
22 total production from all such renewable projects, excluding sales from  
23 such projects to other electric-generation entities, does not exceed ten  
24 percent of total energy sales of such purchasing electric utilities as  
25 shown in such utilities' Annual Electric Power Industry Report to the  
26 United States Department of Energy or the successor to such report.

27 (b) The application filed under subdivision (3)(a) of this section  
28 shall be approved by the board if the board finds that the purchasing  
29 electric utilities have met the conditions described in subdivision (3)  
30 (a) of this section.

31 (4) No facility or part of a facility which is approved pursuant to

1 this section is subject to eminent domain by any electric supplier, or by  
2 any other entity if the purpose of the eminent domain proceeding is to  
3 acquire the facility for electric generation or transmission.

4 ~~(5) A privately developed renewable energy generation facility is~~  
5 ~~exempt from this section if it complies with section 70-1014.02.~~

6 **Sec. 6.** Section 70-1014.02, Revised Statutes Supplement, 2025, is  
7 amended to read:

8 70-1014.02 (1) The Legislature finds that:

9 (a) Nebraska has the authority as a sovereign state to protect its  
10 land, natural resources, and cultural resources for economic and  
11 aesthetic purposes for the benefit of its residents and future  
12 generations by regulation of energy generation projects;

13 (b) The unique terrain and ecology of the Nebraska Sandhills provide  
14 an irreplaceable habitat for millions of migratory birds and other  
15 wildlife every year and serve as the home to numerous ranchers and  
16 farmers;

17 (c) The grasslands of the Nebraska Sandhills and other natural  
18 resources in Nebraska will become increasingly valuable, both  
19 economically and strategically, as the demand for food and energy  
20 increases; and

21 (d) The Nebraska Sandhills are home to priceless archaeological  
22 sites of historical and cultural significance to American Indians.

23 (2)(a) ~~Prior A privately developed renewable energy generation~~  
24 ~~facility that meets the requirements of this section is exempt from~~  
25 ~~sections 70-1012 to 70-1014.01 if, no less than thirty days prior to the~~  
26 ~~commencement of construction of a privately developed renewable energy~~  
27 ~~generation facility, the owner of the facility shall:~~

28 (i) Notify ~~Notifies~~ the board in writing of its intent to commence  
29 construction of a privately developed renewable energy generation  
30 facility;

31 (ii) Certify ~~Certifies~~ to the board that the facility will meet the

1 requirements for a privately developed renewable energy generation  
2 facility;

3 (iii) Certify Certifies to the board that the private electric  
4 supplier will (A) comply with any decommissioning requirements adopted by  
5 the local governmental entities having jurisdiction over the privately  
6 developed renewable energy generation facility and (B) except as  
7 otherwise provided in subdivision (c) of this subsection, submit a  
8 decommissioning plan to the board obligating the private electric  
9 supplier to bear all costs of decommissioning the privately developed  
10 renewable energy generation facility and requiring that the private  
11 electric supplier post a security bond or other instrument, no later than  
12 the sixth year following commercial operation, securing the costs of  
13 decommissioning the facility and provide a copy of the bond or instrument  
14 to the board;

15 (iv) Certify Certifies to the board that the private electric  
16 supplier has entered into or prior to commencing construction will enter  
17 into a joint transmission development agreement pursuant to subdivision  
18 (d) of this subsection with the electric supplier owning the transmission  
19 facilities of sixty thousand volts or greater to which the privately  
20 developed renewable energy generation facility will interconnect;

21 (v) Certify Certifies to the board that the private electric  
22 supplier has consulted with the Game and Parks Commission to identify  
23 potential measures to avoid, minimize, and mitigate impacts to species  
24 identified under subsection (1) or (2) of section 37-806 during the  
25 project planning and design phases, if possible, but in no event later  
26 than the commencement of construction; and

27 (vi) For a proposed privately developed renewable energy generation  
28 facility that has a generating capacity that is greater than ten  
29 megawatts, certify certifies to the board that the private electric  
30 supplier has held at least one public meeting with advanced publicized  
31 notice in one of the counties in which the proposed facility will be

1 located at which (A) the private electric supplier explains the need for  
2 the proposed facility and the type of facility and (B) real property  
3 owners in any of the counties in which the proposed facility will be  
4 located are provided an opportunity to comment on the proposed facility.  
5 The private electric supplier shall provide a report to the board  
6 containing the minutes of any such meeting and how many people commented  
7 on the proposed facility. Documentation received at any such meeting  
8 shall be made available to the board upon its request. A meeting  
9 described in this subdivision (a)(vi) is not subject to the requirements  
10 described in subdivision (2)(b)(iv) of section 84-1411; and -

11 (vii) Certify to the board that the owner has entered into a power  
12 purchase agreement with a public power district for the production of  
13 energy by the privately developed renewable energy generation facility.

14 (b)(i) ~~Prior No less than thirty days prior~~ to the commencement of  
15 construction of a privately developed renewable energy generation  
16 facility located within a ten-mile radius of a military installation, the  
17 owner of such facility shall:

18 (A) Provide written notice to the board under subdivision (2)(b)(ii)  
19 (A) of this section; or

20 (B) Certify in writing to the board that the facility will, upon  
21 reaching commercial operation, be in compliance with the critical  
22 infrastructure protection requirements issued by the North American  
23 Electric Reliability Corporation if such facility is connected to the  
24 transmission grid at one hundred kilovolts or higher voltage and has a  
25 nameplate rating of twenty megavolt amperes for a single generation unit  
26 or is injecting at an aggregate of seventy-five megavolt amperes or  
27 greater. The owner of such facility shall also submit written notice to  
28 the board at any time such facility is no longer in compliance with such  
29 requirements.

30 (ii)(A) An owner of a facility choosing to proceed under subdivision  
31 (2)(b)(i)(A) of this section shall, following consultation with such

1 owner's vendors, submit a one-time written notice to the board certifying  
2 that the facility continually contains no electronic-related equipment or  
3 electronic-related components manufactured by any foreign adversary.

4 (B) The owner shall also submit written notice to the board at any  
5 time such facility is no longer in compliance with the certification  
6 provided under subdivision (2)(b)(ii)(A) of this section.

7 (iii) Notwithstanding subdivisions (2)(b)(i) and (ii) of this  
8 section, the owner of a facility required to provide the certification  
9 under subsection (2)(b)(i) may use electronic-related equipment or  
10 electronic-related components manufactured by a foreign adversary if the  
11 board preapproves the use of such equipment or components after finding  
12 that:

13 (A) There is no other reasonable option for procuring such equipment  
14 or components; and

15 (B) Not procuring or using such equipment or components would cause  
16 a greater harm to the state than the harm associated with the equipment  
17 or components.

18 (c) The board may bring an action in the name of the State of  
19 Nebraska for failure to comply with subdivision (a)(iii)(B) of this  
20 subsection, except that such subdivision does not apply if a local  
21 government entity with the authority to create requirements for  
22 decommissioning has enacted decommissioning requirements for the  
23 applicable jurisdiction.

24 (d) A joint transmission development agreement shall be entered into  
25 to address construction, ownership, operation, and maintenance of such  
26 additions or upgrades to the transmission facilities as required for the  
27 privately developed renewable energy generation facility. The joint  
28 transmission development agreement shall be negotiated and executed  
29 contemporaneously with the generator interconnection agreement or other  
30 directives of the applicable regional transmission organization with  
31 jurisdiction over the addition or upgrade of transmission, upon terms

1 consistent with prudent electric utility practices for the  
2 interconnection of renewable generation facilities, the electric  
3 supplier's reasonable transmission interconnection requirements, and  
4 applicable transmission design and construction standards. The electric  
5 supplier shall have the right to purchase and own transmission facilities  
6 as set forth in the joint transmission development agreement. The private  
7 electric supplier of the privately developed renewable energy generation  
8 facility shall have the right to construct any necessary facilities or  
9 improvements set forth in the joint transmission development agreement  
10 pursuant to the standards set forth in the agreement at the private  
11 electric supplier's cost.

12 (3) After receipt of all written notice and certification that is  
13 required under subsection (2) of this section, the board shall hold a  
14 hearing on the proposed facility and determine whether such facility is  
15 compliant with the requirements of this section. After such hearing, the  
16 board shall have authority to approve or deny the construction. Within  
17 ten days after receipt of a written notice complying with subsection (2)  
18 of this section, the executive director of the board shall issue a  
19 written acknowledgment that the privately developed renewable energy  
20 generation facility is exempt from sections 70-1012 to 70-1014.01 if such  
21 facility remains in compliance with the requirements of this section.

22 (4) The exemption allowed under this section for a privately  
23 developed renewable energy generation facility shall extend to and exempt  
24 all private electric suppliers owning any interest in the facility,  
25 including any successor private electric supplier which subsequently  
26 acquires any interest in the facility.

27 (4) (5) No property owned, used, or operated as part of a privately  
28 developed renewable energy generation facility shall be subject to  
29 eminent domain by a consumer-owned electric supplier operating in the  
30 State of Nebraska. Nothing in this section shall be construed to grant  
31 the power of eminent domain to a private electric supplier or limit the

1 rights of any entity to acquire any public, municipal, or utility right-  
2 of-way across property owned, used, or operated as part of a privately  
3 developed renewable energy generation facility as long as the right-of-  
4 way does not prevent the operation of or access to the privately  
5 developed renewable energy generation facility.

6 (5) {6} Only a consumer-owned electric supplier operating in the  
7 State of Nebraska may exercise eminent domain authority to acquire the  
8 land rights necessary for the construction of transmission lines and  
9 related facilities. There is a rebuttable presumption that the exercise  
10 of eminent domain to provide needed transmission lines and related  
11 facilities for a privately developed renewable energy generation facility  
12 is a public use.

13 (6) {7} Nothing in this section shall be construed to authorize a  
14 private electric supplier to sell or deliver electricity at retail in  
15 Nebraska.

16 (7) {8} Nothing in this section shall be construed to limit the  
17 authority of or require a consumer-owned electric supplier operating in  
18 the State of Nebraska to enter into a joint agreement with a private  
19 electric supplier to develop, construct, and jointly own a privately  
20 developed renewable energy generation facility.

21 **Sec. 7.** Section 70-1015, Revised Statutes Supplement, 2025, is  
22 amended to read:

23 70-1015 (1) If any supplier violates Chapter 70, article 10, by  
24 either (a) commencing the construction or finalizing or attempting to  
25 finalize the acquisition of any generation facilities, any transmission  
26 lines, or any related facilities without first providing notice or  
27 obtaining board approval, whichever is required, or (b) serving or  
28 attempting to serve at retail any customers located in Nebraska or any  
29 wholesale customers in violation of section 70-1002.02, such  
30 construction, acquisition, or service of such customers shall be enjoined  
31 in an action brought in the name of the State of Nebraska until such

1 supplier has complied with Chapter 70, article 10.

2 (2) If the executive director of the board determines that a private  
3 electric supplier commenced construction of a privately developed  
4 renewable energy generation facility ~~less than thirty~~ days prior to  
5 providing the notice and certification required in subdivisions (2)(a)  
6 and (b) of section 70-1014.02, the executive director shall send notice  
7 via certified mail to the private electric supplier, informing it of the  
8 determination that the private electric supplier is in violation of such  
9 subdivisions and is subject to a fine in the amount of five hundred  
10 dollars. The private electric supplier shall have twenty days from the  
11 date on which the notice is received in which to submit the notice and  
12 certification described in such subdivisions and to pay the fine. ~~Within~~  
13 ~~ten days after the private electric supplier submits a notice and~~  
14 ~~certification compliant with subsection (2) of section 70-1014.02 and~~  
15 ~~payment of the fine, the executive director of the board shall issue the~~  
16 ~~written acknowledgment described in subsection (3) of section 70-1014.02.~~  
17 If the private electric supplier fails to submit a notice and  
18 certification compliant with subsection (2) of section 70-1014.02 and pay  
19 the fine within twenty days after the date on which the private electric  
20 supplier receives the notice from the executive director of the board,  
21 the private electric supplier shall immediately cease construction or  
22 operation of the privately developed renewable energy generation  
23 facility.

24 (3) If the private electric supplier disputes that construction was  
25 commenced ~~less than thirty~~ days prior to submitting the written notice  
26 and certification required by subdivisions (2)(a) and (b) of section  
27 70-1014.02, the private electric supplier may request a hearing before  
28 the board. Such request shall be submitted within twenty days after the  
29 private electric supplier receives the notice sent by the executive  
30 director pursuant to subsection (2) of this section. If the private  
31 electric supplier does not accept the certified mail sent pursuant to

1 such subsection, the executive director shall send a second notice to the  
2 private electric supplier by first-class United States mail. The private  
3 electric supplier may submit a request for hearing within twenty days  
4 after the date on which the second notice was mailed.

5 (4) Upon receipt of a request for hearing, the board shall set a  
6 hearing date. Such hearing shall be held within sixty days after such  
7 receipt. The board shall provide to the private electric supplier written  
8 notice of the hearing at least twenty days prior to the date of the  
9 hearing. The board or its hearing officer may grant continuances upon  
10 good cause shown or upon the request of the private electric supplier.  
11 Timely filing of a request for hearing by a private electric supplier  
12 shall stay any further enforcement under this section until the board  
13 issues an order pursuant to subsection (5) of this section or the request  
14 for hearing is withdrawn.

15 (5) The board shall issue a written decision within sixty days after  
16 conclusion of the hearing. All costs of the hearing shall be paid by the  
17 private electric supplier if (a) the board determines that the private  
18 electric supplier commenced construction of the privately developed  
19 renewable energy generation facility ~~less than thirty days~~ prior to  
20 submitting the written notice and certification required pursuant to  
21 subsection (2) of section 70-1014.02 or (b) the private electric supplier  
22 withdraws its request for hearing prior to the board issuing its  
23 decision.

24 (6) A private electric supplier which the board finds to be in  
25 violation of the requirements of subsection (2) of section 70-1014.02  
26 shall either (a) pay the fine described in this section and submit a  
27 notice and certification compliant with subsection (2) of section  
28 70-1014.02 or (b) immediately cease construction or operation of the  
29 privately developed renewable energy generation facility.

30 **Sec. 8.** Original sections 70-1012.01, 70-1013, and 70-1014.01,  
31 Reissue Revised Statutes of Nebraska, and sections 70-1012, 70-1014,

1 70-1014.02, and 70-1015, Revised Statutes Supplement, 2025, are repealed.