

March 27, 1979

LB 460

can do is probably substantiate what I am telling you and that it came up a number of times at the public hearings. The utilities said they could not charge less than the current price that they were for customers. They could not give them a discounted rate or a lower rate in comparison with what they were charging industry.

SENATOR DUIS: Well then I think it is necessary in your amendment to state which section of the statute, chapter and section, that you are dealing with here. Senator Fowler, do you know which one it is?

SENATOR FOWLER: I'm sorry, I just came in at the tail end of the discussion. In the hearings we had on this the public power districts particularly cited the section that LB 460 is amending, 70-655, and their interpretation, their city attorney's interpretations and what they say maybe court decisions here or elsewhere, that the fair, reasonable, nondiscriminatory in terms like fair and equitable and at least some of them interpret that as to prevent the lifeline rate. However, in the State of Nebraska certain districts have adopted rates that are not 100% in line with their cost of service analysis, basically that they have readjusted those rates so they don't reflect exact cost of service. So we have as some power districts are saying that this statute says that we have to follow 100% exactly cost to service. On the other hand, certain districts are saying, we don't do that. We look at the cost of service but then we look at other factors such as the impact on homeowners or elderly and so on and so what the study committee felt was that in order to eliminate this confusion we should simply state that the policy that they could offer as just simply permissive that this lifeline rate could be offered. So as far as any statutory citation by the power districts, it was this one, 70-655, and that is the one Senator Simon is amending.

SENATOR DUIS: Well, Mr. President, members of the Legislature, I fail to see how we can pass an amendment without a reference to a statute when we are doing an amendment and I would think...I don't know, Senator Fowler, I'm not trying to bug you here but did some of your counsel or somebody prepare this by their research?

SENATOR FOWLER: I haven't seen...where is the amendment that you are referring to? I haven't seen that.

SENATOR DUIS: Well really, I haven't seen it either. I