

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 1066

Introduced by Louden, 49.

Read first time January 22, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Nebraska Power Review Board; to amend
2 section 70-1014.01, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to special generation
4 applications; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 70-1014.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

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

22 (2) An application by a municipality, a registered
23 group of municipalities, a public power district, a public power
24 and irrigation district, an electric cooperative, an electric
25 membership association, or any other governmental entity for a

1 facility that will generate more than ten thousand kilowatts of
2 electric energy at rated capacity and will generate electricity
3 using renewable energy sources, such as solar, wind, biomass,
4 landfill gas, methane gas, or hydropower generation technology, or
5 an emerging technology, including, but not limited to, fuel cells
6 and microturbines, may be filed with the board if (a) the total
7 production from all such renewable projects does not exceed ten
8 percent of total energy sales as shown in the Annual Electric
9 Power Industry Report to the United States Department of Energy
10 and (b) the energy producer's governing body conducts at least
11 one advertised public hearing which affords the ratepayers of the
12 producing entity a chance to review and comment on the subject of
13 the application.

14 (3) The application shall be approved by the board if
15 the board finds that (a) the applicant is using renewable energy
16 technologies, (b) that the total production from all renewable
17 projects of the energy producer does not exceed ten percent of
18 the producer's total energy sales as described in subsection (1)
19 of this section, and (c) the energy producer's governing body has
20 conducted at least one advertised public hearing which affords its
21 ratepayers a chance to review and comment on the subject of the
22 application.

23 Sec. 2. Original section 70-1014.01, Reissue Revised
24 Statutes of Nebraska, is repealed.