

AMENDMENTS TO LB 561

Introduced by Natural Resources.

1 1. Insert the following new section:

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

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

23 (2) (a) An application by a municipality, a registered

1 group of municipalities, a public power district, a public power
2 and irrigation district, an electric cooperative, an electric
3 membership association, or any other governmental entity for a
4 facility that will generate more than ten thousand kilowatts of
5 electric energy at rated capacity and will generate electricity
6 using renewable energy sources such as solar, wind, biomass,
7 landfill gas, methane gas, or new hydropower generation technology
8 or an emerging technology, including, but not limited to, fuel
9 cells and micro-turbines, may be filed with the board if (i)
10 the total production from all such renewable projects, excluding
11 sales from such projects to other electric-generating entities,
12 does not exceed ten percent of total energy sales as shown in
13 the producer's Annual Electric Power Industry Report to the United
14 States Department of Energy and (ii) the applicant's governing body
15 conducts at least one advertised public hearing which affords the
16 ratepayers of the applicant a chance to review and comment on the
17 subject of the application.

18 (b) The application shall be approved by the board
19 if the board finds that (i) the applicant is using renewable
20 energy sources described in this subsection, (ii) that the total
21 production from all renewable projects of the applicant does
22 not exceed ten percent of the producer's total energy sales as
23 described in subdivision (2)(a) of this section, and (iii) the
24 applicant's governing body has conducted at least one advertised
25 public hearing which affords its ratepayers a chance to review and
26 comment on the subject of the application.

27 (3) A community-based energy development project

1 organized pursuant to the Rural Community-Based Energy Development
2 Act which intends to develop renewable energy sources for sale to
3 one or more Nebraska electric utilities described in this section
4 may also make an application to the board pursuant to subsection
5 (2) of this section if (a) the purchasing electric utilities
6 conduct a public hearing described in such subsection and (b)
7 the power and energy from the renewable energy sources is sold
8 exclusively to such electric utilities for a term of at least
9 twenty years.

10 2. Correct the repealer and renumber the remaining
11 sections accordingly.