

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 820**

Introduced by Hughes, 44.

Read first time January 04, 2018

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Nebraska Power Review Board; to amend  
2 section 70-1015, Revised Statutes Cumulative Supplement, 2016; to  
3 add and provide duties for the executive director of the board  
4 relating to privately developed renewable energy generation  
5 facilities; to provide a penalty as prescribed; to harmonize  
6 provisions; and to repeal the original section.

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

1 Section 1. Section 70-1015, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3 70-1015 (1) If any supplier violates Chapter 70, article 10, by  
4 either (1) commencing the construction or finalizing or attempting to  
5 finalize the acquisition of any generation facilities, any transmission  
6 lines, or any related facilities without first providing notice or  
7 obtaining board approval, whichever is required, or (2) serving or  
8 attempting to serve at retail any customers located in Nebraska or any  
9 wholesale customers in violation of section 70-1002.02, such  
10 construction, acquisition, or service of such customers shall be enjoined  
11 in an action brought in the name of the State of Nebraska until such  
12 supplier has complied with Chapter 70, article 10.

13 (2) If the executive director of the board determines that a private  
14 electric supplier commenced construction of a privately developed  
15 renewable energy generation facility less than thirty days prior to  
16 providing the notice required in subdivision (1)(a) of section  
17 70-1014.02, the executive director shall send notice via certified mail  
18 to the private electric supplier, informing it of the determination that  
19 the private electric supplier is in violation of such subdivision and is  
20 subject to a fine in the amount of five hundred dollars. The private  
21 electric supplier shall have twenty days from the date on which the  
22 notice is received in which to submit the notice described in such  
23 subdivision and to pay the fine. Within ten days after the private  
24 electric supplier submits a notice compliant with the provisions of  
25 subsection (1) of section 70-1014.02 and payment of the fine, the  
26 executive director of the board shall issue the written acknowledgment  
27 described in subsection (2) of section 70-1014.02. If the private  
28 electric supplier fails to submit a notice compliant with the subsection  
29 (1) of section 70-1014.02 and pay the fine within twenty days after the  
30 date on which the private electric supplier receives the notice from the  
31 executive director of the board, the private electric supplier shall

1 immediately cease construction or operation of the privately developed  
2 renewable energy generation facility.

3 (3) If the private electric supplier disputes that construction was  
4 commenced less than thirty days prior to submitting the written notice  
5 required by subdivision (1)(a) of section 70-1014.02, the private  
6 electric supplier may request a hearing before the board. Such request  
7 shall be submitted within twenty days after the private electric supplier  
8 receives the notice sent by the executive director pursuant to subsection  
9 (2) of this section. If the private electric supplier does not accept the  
10 certified mail sent pursuant to such subsection, the executive director  
11 shall send a second notice to the private electric supplier by first-  
12 class United States mail. The private electric supplier may submit a  
13 request for hearing within twenty days after the date on which the second  
14 notice was mailed.

15 (4) Upon receipt of a request for hearing, the board shall set a  
16 hearing date. Such hearing shall be held within sixty days after such  
17 receipt. The board shall provide to the private electric supplier written  
18 notice of the hearing at least twenty days prior to the date of the  
19 hearing. The board or its hearing officer may grant continuances upon  
20 good cause shown or upon the request of the private electric supplier.  
21 Timely filing of a request for hearing by a private electric supplier  
22 shall stay any further enforcement under this section until the board  
23 issues an order pursuant to subsection (5) of this section or the request  
24 for hearing is withdrawn.

25 (5) The board shall issue a written decision within sixty days after  
26 conclusion of the hearing. All costs of the hearing shall be paid by the  
27 private electric supplier if (a) the board determines that the private  
28 electric supplier commenced construction of the privately developed  
29 renewable energy generation facility less than thirty days prior to  
30 submitting the written notice required pursuant to subsection (1) of  
31 section 70-1014.02 or (b) the private electric supplier withdraws its

1 request for hearing prior to the board issuing its decision.

2 (6) A private electric supplier which the board finds to be in  
3 violation of the requirements of subsection (1) of section 70-1014.02  
4 shall either (a) pay the fine described in this section and submit a  
5 notice compliant with the subsection (1) of section 70-1014.02 or (b)  
6 immediately cease construction or operation of the privately developed  
7 renewable energy generation facility.

8 Sec. 2. Original section 70-1015, Revised Statutes Cumulative  
9 Supplement, 2016, is repealed.