



Government Affairs & Energy Regulation Update 10/19/2021

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Agenda

- Nebraska Power Review Board Meeting from Oct 15, 2021 - Debrief
- Nebraska Legislature Update
 - Legislative Resolution 136
 - 2021 Special Session
- Federal Update
- Q&A
- Appendix with Local, State and Federal Government Affairs Update

Energy Regulation Update



Regional and Neb. Power Review Board Activity

Recent Activity

- Feb – Polar Vortex, SPP controlled outages
- Aug – Utility, SPP, PRB meeting with Ricketts
- Sep – PRB meetings with OPPD, NPPD, LES
- Oct –
 - PRB sent draft legislation
 - Coordination w Neb Power Association (NPA)
 - PRB meeting on 10/15/21

Nebraska Power Review Board (PRB) Background

PRB Primary Regulation Purpose

- Electric utility service territories
- Construction/acquisition of generation and transmission facilities

Legislative History

- 2016 LB 824 – Exempted privately developed renewable gen facilities from PRB approval
 - Notice to PRB required

Nebraska Power Review Board - Draft Legislation

Generation Retirements

- Applicable to gen in excess of 10 MWs
- Electric supplier must provide PRB written notice prior to final decision
- PRB may hold a hearing in its discretion
- PRB shall make its recommendation whether decommissioning is in the best interests of the
 - Electric supplier, or
 - Electric customers

Nebraska Power Review Board - Draft Legislation

Power Purchase Agreements

- Approval required before an electric supplier enters or attempts to enter into a PPA
- Applicable to
 - PPAs for rights to electric energy
 - For a term greater than 1 yr

State Legislative Update



Legislative Resolution 136

- *Interim study to examine and evaluate the causes, costs, and impacts of rolling electrical power outages during the extreme weather events of February 2021*
- LR 136 hearing scheduled – Oct 29, 2021 @ 1:00 (notified on Oct 6)
 - Open to the Public, Invited Testimony Only
 - Board Chairs are invited to testify on behalf of utilities
- OPPD is coordinating with the Nebraska Power Association

2021 Special Session

- Convened on September 13th - Sine Die September 30th
- The Committee held hearings in the 3 congressional districts
- After much debate, the maps were redesigned from the original version
Below are the links to the maps
 - Congress - LB1
 - http://news.legislature.ne.gov/red/files/2021/09/CONG21-39002_SIGNED.pdf
 - http://news.legislature.ne.gov/red/files/2021/09/CONG21-39002-1_SIGNED.pdf
 - http://news.legislature.ne.gov/red/files/2021/09/CONG21-39002-2_SIGNED.pdf
 - http://news.legislature.ne.gov/red/files/2021/09/CONG21-39002-3_SIGNED.pdf
 - Nebraska Legislature - LB3
 - http://news.legislature.ne.gov/red/files/2021/09/LEG21-39006_signed.pdf
 - <http://news.legislature.ne.gov/red/adopted-plan/leg21-39006-map-book/>

Federal Legislative Update



Federal Update Summary

- Bipartisan infrastructure package, debt ceiling, and budget reconciliation packages is the focus
 - The bipartisan \$1.2 trillion, infrastructure package (H.R. 3684) passed Senate 69-30 on August 10th. Still waiting for a floor vote in the House.
 - House approved a \$480 billion debt ceiling increase to avoid a breach of the nation's borrowing limit until at least Dec. 3, when government funding is also set to expire.
 - House Committees markup for \$3.5 trillion budget reconciliation completed. Senate still negotiating on top-line number and policies to be included.
 - OPPD engaged with American Public Power Association and Large Public Power Council; NE Congressional Delegation; Committee staff; and other Members of Congress on the Committees of Jurisdiction.
 - Closely monitoring the Clean Electricity Payment Program (CEPP), Investment Tax Credits/Production Tax Credits (with direct payment), restoration of advanced refunding, EV incentives and many others
 - ***New deadline for vote in the House is October 31st***
- 8,436 bills introduced in the 117th Congress as of October 7th

SOURCE Congress.gov, Politico, Whitehouse.gov

Appendix



State Legislative Update



2021 Legislative Resolutions - Interim Studies

LR & Current Status	Summary
LR 23 Erdman	Interim study to examine the progress of natural resources districts in fulfilling their originally intended purpose. Includes a study of flood control
	<i>5/20/21 Referred to Natural Resources Committee</i>
LR 34 Slama	Interim study to examine the structure and funding of the Nebraska Environmental Trust. OPPD has received \$600,000 for battery storage, butterfly and EV charging station grants over the years
	<i>5/20/21 Referred to Natural Resources Committee</i>
LR 83 M. Hansen	Interim study to examine the gubernatorial appointment process of members to boards, commissions and similar entities
	<i>5/20/21 Referred to Executive Board, 10/20/21 Hearing scheduled</i>
LR 102 Wishart	Provide the Legislature take steps to combat the climate and ecological crisis
	<i>4/22/21 Referred to Natural Resources Committee</i>
LR 106 Kolterman	Interim Study to monitor underfunded defined benefit plans administered by political subdivisions as required by 13-2402.
	<i>5/20/21 Referred to Nebraska Retirement Systems Committee. 11/5/21 Hearing scheduled</i>

2021 Legislative Resolutions - Interim Studies

LR & Current Status	Summary
LR 136 Brewer	Interim Study to examine and evaluate the causes, costs, and impacts of rolling electrical power outages during the extreme weather events of February 2021
	<i>5/20/21 Referred to Natural Resources Committee, 10/29/21 hearing scheduled</i>
LR 147 J. Cavanaugh	Interim study to examine the transfer of state-owned property to local political subdivisions
	<i>5/20/21 Referred to Transportation and Telecommunications Committee</i>
LR 170 McKinney	Interim study to examine the potential impact that innovation hubs could have in Nebraska
	<i>5/20/21 Referred to Business and Labor Committee. 8/11/21 hearing held</i>
LR 178 Wishart	Interim study to solicit input from Nebraskans regarding funds from the federal American Rescue Plan act of 2021
	<i>5/20/21 Referred to Appropriations Committee, 10/5/21 hearing held</i>
LR 179 M. Cavanaugh	Interim study to examine funding mechanisms in the American Rescue Plan Act of 2021
	<i>5/20/21 Referred to Appropriations Committee, 10/5/21 hearing held</i>

2021 Legislative Resolutions - Interim Studies

LR & Current Status	Summary
LR 193 De Boer	Interim study to examine broadband mapping and broadband speed testing in Nebraska
	<i>5/20/21 Referred to Transportation and Telecommunications Committee</i>
LR 199 Slama	Interim study to examine the creation of rural economic development program
	<i>5/20/21 Referred to Banking, Commerce and Insurance Committee</i>
LR 202 HHS Committee	Interim study to examine federal legislation regarding COVID-19 pandemic assistance
	<i>5/20/21 Referred to HHS Committee</i>
LR 211 Lowe	Interim study to examine issues related to adopting construction codes
	<i>5/20/21 Referred to Urban Affairs Committee, Hearing held 8/6/21</i>
LR 234 Friesen	Interim study to examine issues related to the regulation and taxation of electric vehicles
	<i>5/20/21 Referred to Transportation and Telecommunication Committee</i>
LR 246 NR Committee	Interim study to examine issues within the jurisdiction of the Natural Resources Committee
	<i>5/26/21 Referred to Natural Resources Committee</i>

Local Legislative Update



Local Legislation/Events

- Bellevue City Council passed solar regulations on October 5. OPPD was asked to provide expert testimony and guidance on the creation of the regulations.
- Since July, OPPD SMEs presented pathways for Douglas County to achieve energy efficiency and sustainability through:
 - Incorporating EVs into Douglas County’s fleet;
 - Building optimization & energy efficiency;
 - Supporting distributed generation; and
 - Addressing the water-energy nexus

Local Legislation/Events

- Fourteen people applied to fill the vacancy in District 1 of the Douglas County Board from Mike Boyle's passing. The Appointment Committee will hold two upcoming meetings on that selection on Oct. 13 & 22.

Federal Legislative Update



Breakdown of Democrats' \$3.5 trillion budget resolution to the American Jobs Plan



Overview of the budget resolution



Current arguments and forecast for the bills

OVERVIEW OF SENATE DEMOCRATS' RESOLUTION

Senate Majority Leader Schumer (D-NY) released reconciliation instructions for Senate committees to draft the details of the spending bill. The resolution currently allocates the following funds to each committee:

- Health, Education, Labor, and Pensions: **\$726 billion**
- Banking: **\$332 billion**
- Energy: **\$198 billion**
- Agriculture: **\$135 billion**
- Judiciary: **\$107 billion**
- Commerce: **\$83 billion**
- Environment and Public Works: **\$67 billion**
- Homeland Security: **\$37 billion**
- Small Business: **\$25 billion**
- Indian Affairs: **\$20.5 billion**
- Veterans Affairs: **\$18 billion**
- Finance: **~\$1 billion**

Within the resolution, committees submitted draft legislation by September 15th

Concerns exist about the resolution's inability to raise the debt ceiling, but Democrats aim to pay for the plan through corporate and individual tax reform and increased IRS enforcement of existing rates. Senators Warren (D-MA) and King (I-ME) are also prepared to introduce a 7% tax on corporate profits over \$100 million, expecting to raise \$700 billion from 1,300 companies