



## **OPPDU BOARD OF DIRECTORS**

### **BOARD MEETING MINUTES**

**October 19, 2023**

The regular meeting of the Board of Directors of the Omaha Public Power District (“OPPDU” or “District”) was held on Thursday, October 19, 2023 at 5:00 p.m. at the Omaha Douglas Civic Center, 1819 Farnam Street, 2<sup>nd</sup> Floor Legislative Chamber, Omaha, Nebraska and via WebEx audio and video conference.

Present in person at the Civic Center were Directors A. E. Bogner, M. J. Cavanaugh, M. R. Core, S. E. Howard, M. G. Spurgeon and E. H. Williams. C. C. Moody was absent. Also present in person were L. J. Fernandez, President and Chief Executive Officer, S. M. Bruckner and T. F. Meyerson of the Fraser Stryker law firm, General Counsel for the District, E. H. Lane, Sr. Board Operations Specialist, and other members of the OPPDU Board meeting logistics support staff. Chair E. H. Williams presided and E. H. Lane recorded the minutes. Members of the executive leadership team present in person included: J. M. Bishop, K. W. Brown, S. M. Focht, C. V. Fleener, K.S. McCormick, L. A. Olson, M. V. Purnell, and T. R. Via.

#### ***Board Agenda Item 1: Chair Opening Statement***

Chair Williams gave a brief opening statement, including reminders for using the WebEx audio and video conferencing platform.

#### ***Board Agenda Item 2: Safety Briefing***

Josh Clark, Manager Protective Services provided physical safety reminders. President Fernandez provided psychological safety reminders, including current safety focus reminders about: (i) Line of fire; (ii) Fall weather hazards; and (iii) Fire prevention at work and at home.

#### ***Board Agenda Item 3: Guidelines for Participation***

Chair Williams then presented the guidelines for the conduct of the meeting and instructions on the public comment process in the room and using WebEx audio and video conferencing features.

#### ***Board Agenda Item 4: Roll Call***

Ms. Lane took roll call of the Board. All members were present in person, except for Director Moody who was absent.

#### ***Board Agenda Item 5: Announcement regarding public notice of meeting***

Ms. Lane read the following:

*“Notice of the time and place of this meeting was publicized by notifying the area news media; by publicizing same in the Omaha World Herald, OPPDU Outlets newsletter, oppd.com and social media; by displaying such notice on the Arcade*

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*Level of Energy Plaza; and by e-mailing such notice to each of the District's Directors on October 13, 2023.*

*A copy of the proposed agenda for this meeting has been maintained, on a current basis, and is readily available for public inspection in the office of the District's Corporate Secretary.*

*Additionally, a copy of the Open Meetings Act is available for inspection on oppd.com and in this meeting room."*

**Board Consent Action Items:**

6. Approval of the August 2023 Financial Report, August 2023 Board Governance Workshop Meeting Minutes, September 2023 Meeting Minutes and the October 19, 2023, Agenda
7. SD-13: Stakeholder Outreach and Engagement Monitoring Report – Resolution No. 6597
8. SC5A/B Power Turbine Refurbishment -- Engineer's Certification – Resolution No. 6598
9. NC1 Aux. Cooling HX & Condenser Waterbox B Retube -- Labor Contract Award – Resolution No. 6599
10. Integrated Operations Center -- Engineer's Certification – Resolution No. 6600
11. Acquisition of Land Rights for Enterprise Operations Technology Communication Network Asset – Resolution No. 6601

It was moved and seconded that the Board approve the consent action items.

Chair Williams noted the Board discussed the action items during the All Committees meeting held on Tuesday, October 17, 2023.

Chair Williams then asked for public comment. There were no comments from the public in attendance at the meeting or via WebEx.

Thereafter, the vote was recorded as follows: Bogner – Yes; Cavanaugh – Yes; Core – Yes; Howard – Yes; Mollhoff – Yes; Moody – Absent; Spurgeon – Yes; Williams – Yes. The motion carried (7-0).

**Board Discussion Action Items:**

12. Sale of Real Property for UNMC Saddle Creek Campus Public Improvement – Resolution No. 6602

Director Bogner moved to approve the discussion action item and it was seconded by Director Cavanaugh.

Chair Williams noted the Board discussed the action items during the All Committees meeting held on Tuesday, October 17, 2023.

Chair Williams then asked for public comment. There were no comments from the public in attendance at the meeting.

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Chair Williams asked for comments from members of the public on WebEx. There were no comments.

Chair Williams asked for comments from the board. Director Spurgeon noted OPPD will retain the easement rights to the land.

Thereafter, the vote was recorded as follows: Bogner – Yes; Cavanaugh – Yes; Core – Yes; Howard – Abstain; Mollhoff – Yes; Moody – Absent; Spurgeon – Yes; Williams – Yes. The motion carried (6-0).

13. SD-7: Environmental Stewardship Monitoring Report – Resolution No. 6603

Director Bogner moved to approve the discussion action item and it was seconded by Director Core. Director Bogner provided comments on the monitoring report presented to the Board at the All Committees meeting on October 17, 2023.

Chair Williams asked for public comment. There were no comments from the public in attendance at the meeting.

Chair Williams asked for comments from members of the public on WebEx. There were two comments.

David Corbin, 1002 N. 49<sup>th</sup> St, representing the Nebraska Sierra Club, provided comments regarding environmental sustainability and environmental impact.

John Pollack, 1412 N. 35<sup>th</sup> St, provided comments on public outreach efforts.

Chair Williams asked for comments from the board. Director Williams provided comments regarding the SD-7 monitoring report and acknowledged the reasonable and appropriate measures being taken to comply with SD-7 by OPPD.

Thereafter, the vote was recorded as follows: Bogner – Yes; Cavanaugh – Yes; Core – Yes; Howard – Yes; Mollhoff – Yes; Moody – Absent; Spurgeon – Yes; Williams – No. The motion carried (6-1).

***Board Agenda Item 14: President's Report***

President Fernandez next presented the following information:

- September Baseload Generation
- September Balancing Generation
- September Renewables
- Community Events
- Honoring Our Community
- Community Events
- Awards
- Volunteer Support
- In Memoriam – Michael Formanack

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**Board Agenda Item 15: Opportunity for comment on other items of District Business**

Chair Williams asked for comments from the public in the room on other items of District business. There were two comments.

Mr. David Begley, 4611 S. 96<sup>th</sup> Street, Omaha, provided comments on the cost of new generation, and presented materials to the board which are attached to these minutes.

Mr. Laverne Treahn, Omaha, NE, provided comments on the cost of nuclear power, and presented materials to the board which are attached to these minutes.

Chair Williams asked for comments from members of the public on WebEx. There was one comment.

Mr. John Pollack, 1412 N. 35<sup>th</sup> Street, Omaha, provided a weather update.

There were no additional comments from the public in attendance at the meeting or via WebEx.

There being no further business, the meeting adjourned at 5:40 p.m.

DocuSigned by:  
*S. M. Focht*  
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S. M. Focht  
Vice President – Corporate Strategy and  
Governance and Assistant Secretary

DocuSigned by:  
*Erin Lane*  
905CE2363A0A42C...

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E. H. Lane  
Sr. Board Operations Specialist

## Hypothetical question

Would you buy a car or computer knowing in advance that it would only **work less than half the time** – and sporadically at that – even if you **felt** that by doing so your purchase would save the Planet from burning up in 2100?

But that's exactly what OPPD is doing with its \$2 billion plus spending plan to achieve net zero carbon by 2050.

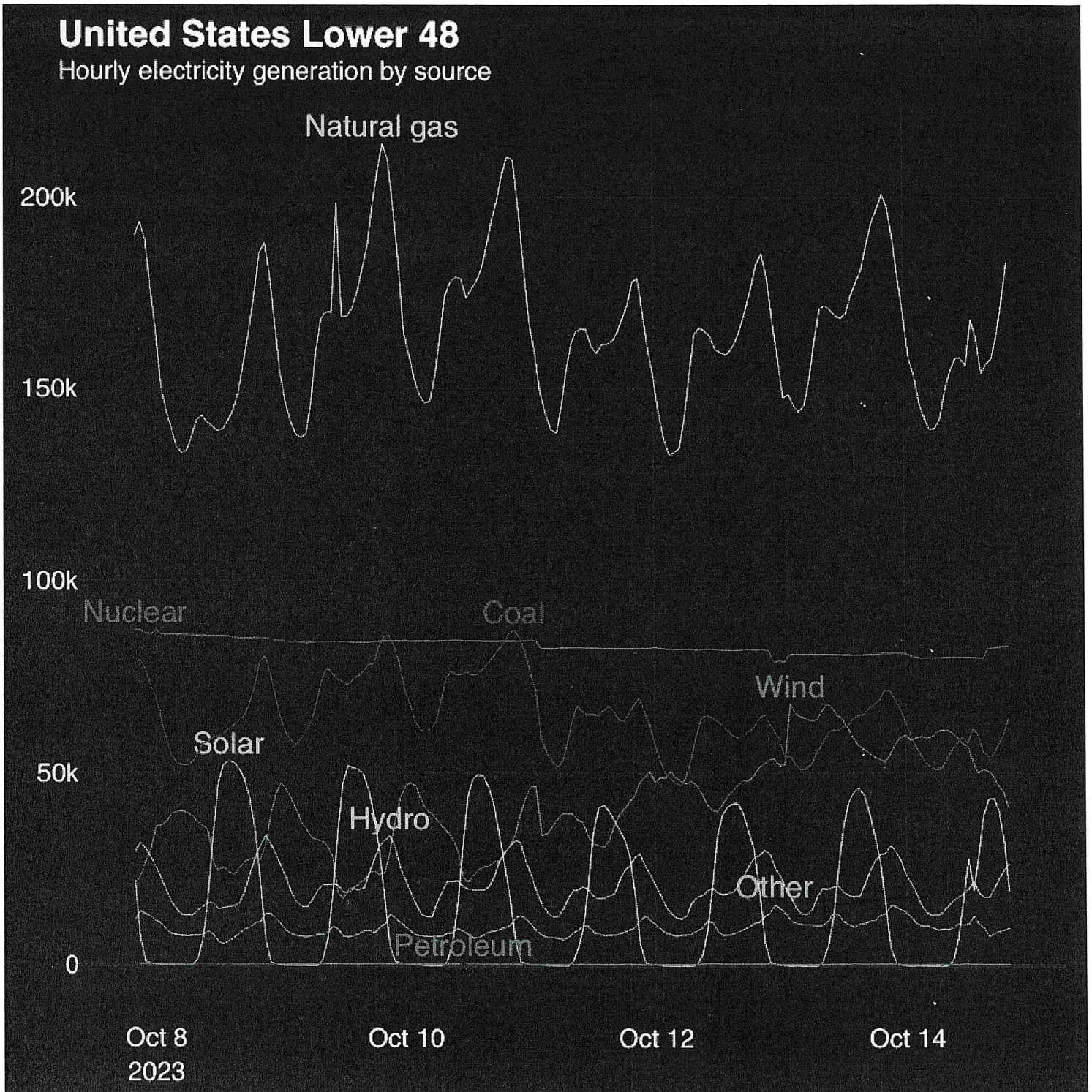
Not smart. Not prudent. Not statutorily authorized. Board failure.

Prepared and submitted by David D. Begley, customer-owner, 4611 S. 96<sup>th</sup> St., Omaha, NE.



# Nat Gas - Demand

# Wind & Solar - supply





“The only existential threat humanity faces – even more frightening than a nuclear war – is global warming; going above 1.5 degrees in the next 10 years.” President Joseph R. Biden in Vietnam, September 2023. (emphasis added)

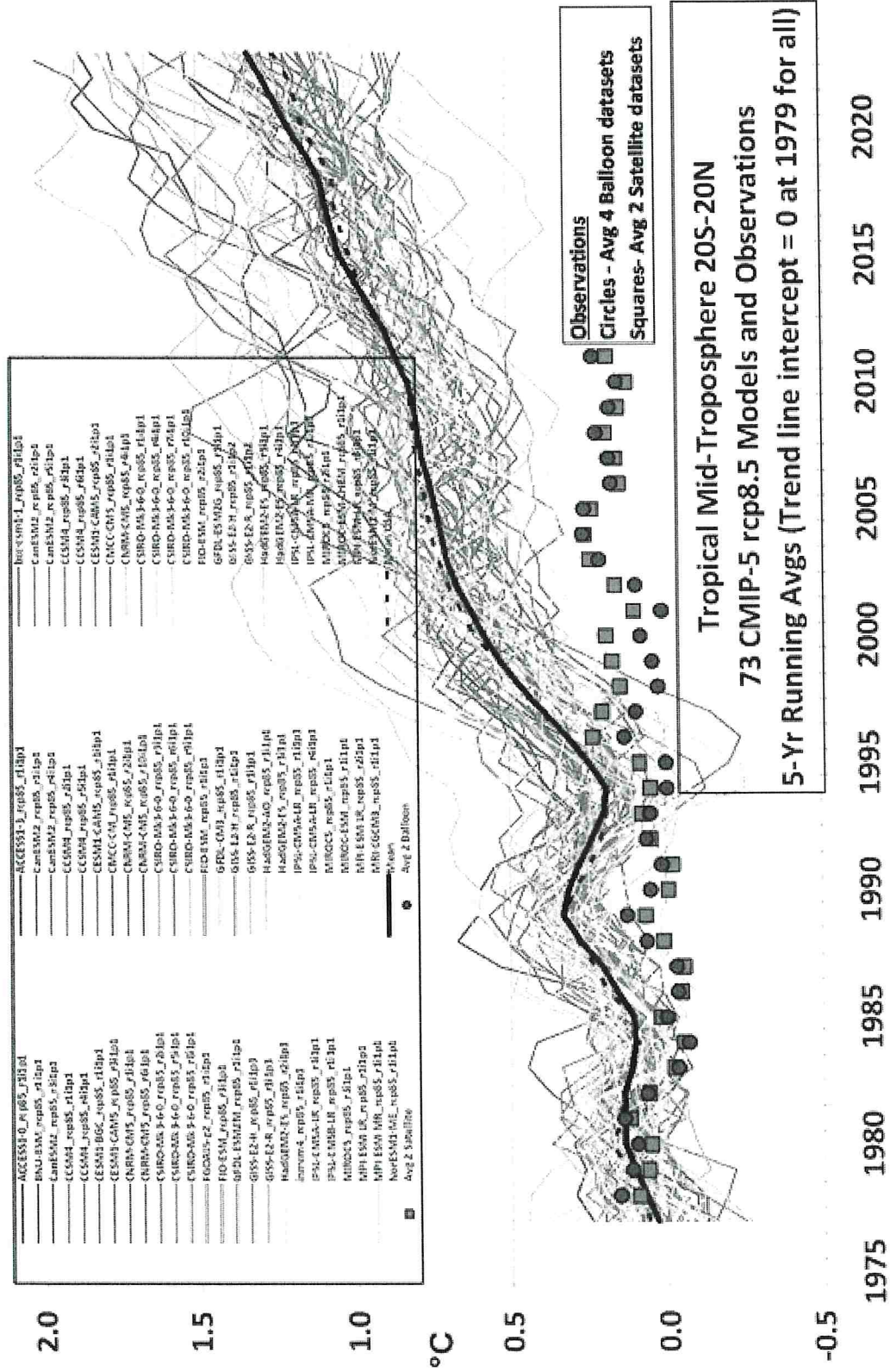
“The president believes wholeheartedly that climate change is an existential threat to all of human life on the planet.” Adm. (Ret.) John Kirby, October 9, 2023

The OPPD Board apparently agrees with Pres. Biden.

Clarity for DDB.

Last year, a Swedish scientist put chance of nuclear war between US and Russia at 17%; probably 20% today. Russia could nuke Omaha within minutes.

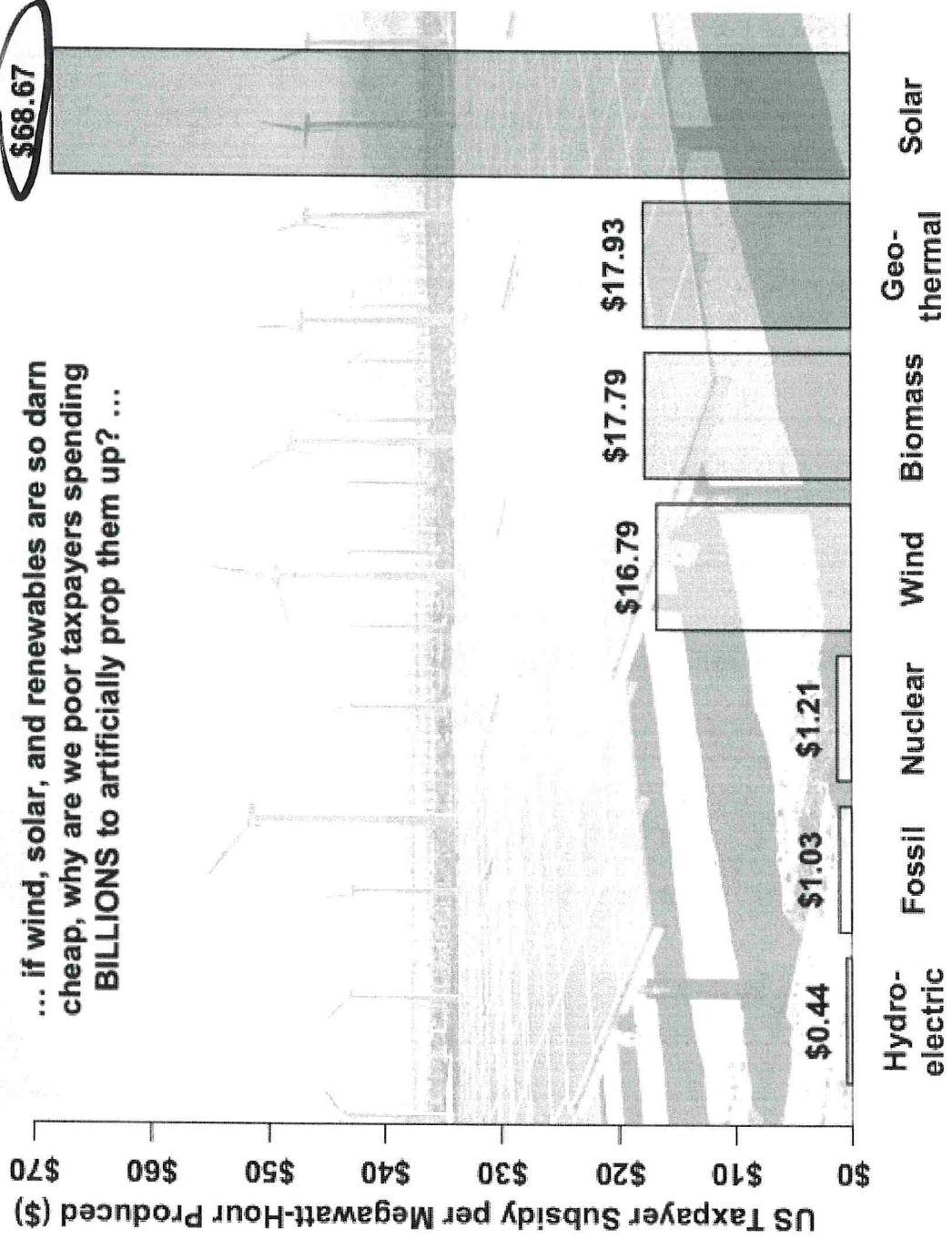
**Climate change is not a threat. Zero chance that the world burns up in 2100. CAGW is the biggest scam in the history of the world.**





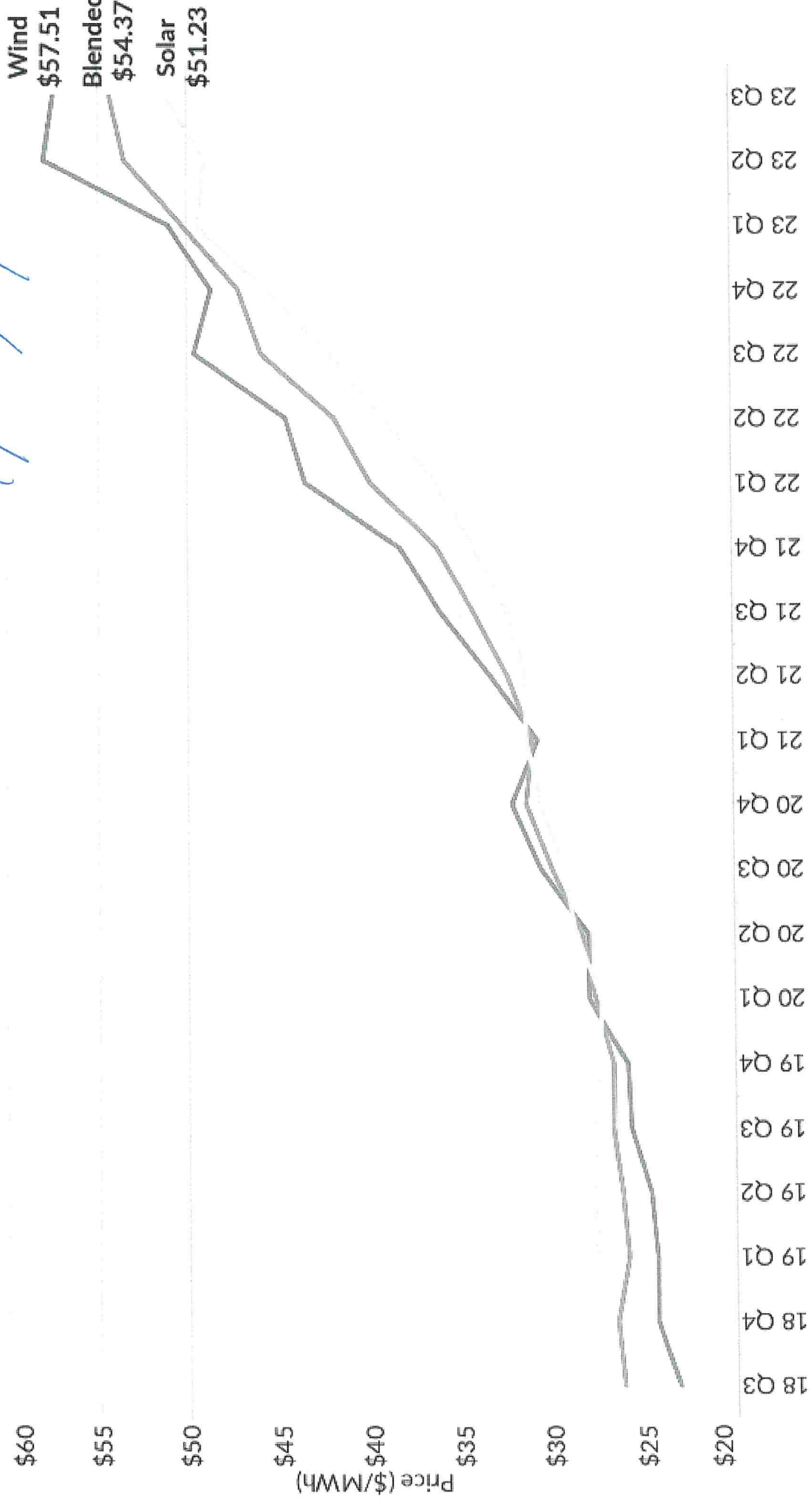
# Mr. Corbin's federal money at work.

Total US Taxpayer Subsidy per Megawatt-hour Of Energy Produced  
(Subsidy and Production Data by Type of Fuel), 2016 - 2022



DATA: <https://www.eia.gov/analysis/requests/subsidy/pdf/subsidy.pdf>

Solar: 21% increase y/o/y



October 18, 2023

Dear Editor:

With inflation at levels not seen since the 1970's, sticking to a family budget is harder than ever. Families and small businesses across Wyoming are working overtime to make hard decisions and stick to them.

Rocky Mountain Power, the state's largest electric utility, is exercising no such self-control. The Utah-based utility wants to increase electricity rates in Wyoming by as much as 30% to pay for their own corporate budget mismanagement. They even want Wyoming ratepayers to pay an emissions tax in Washington State.

The COVID pandemic, conflict in Ukraine, and decades of out-of-control federal spending sparked inflation. Energy and fuel costs were particularly volatile in the wake of the Russian invasion of Ukraine and may increase again following the terrorist attacks in Israel. While these events are far beyond Wyoming's control, we do have it in our power to stop making it worse on our budgets. Rocky Mountain Power's request is wrong and should be denied by the Public Service Commission.

Rocky Mountain Power decided to follow the adage of never letting a crisis go to waste. After intentional management decisions to accelerate its transition to renewable energy sources, and to transport that energy to the West Coast, now Rocky Mountain Power asks Wyoming to pay for their poor decisions, their poor planning, and the environmental wish list of other states. Rocky Mountain Power exaggerates the inflation-caused impacts to energy markets to join the great national pastime of blaming natural gas and coal for all that ails us.

In a recent email to its residential customers, Rocky Mountain Power claimed their proposed increases are "almost entirely due to significant spikes in the costs of natural gas and coal." The word "almost" does a lot of heavy lifting there.

Rocky Mountain Power has experienced inflationary pressure like all businesses, but they ask you to ignore your lying eyes that today's natural gas and coal prices are some of the lowest in years. Natural gas prices have dropped back to similar levels as 2019 and cheaper than 2018. In fact, natural gas was cheaper in September of 2023 than it was in September of 2010. Rocky Mountain Power wants to use the relatively brief spike in prices following the Russian invasion as cover to permanently raise rates.

Despite their admission that they are already empowered to temporarily charge customers for costs from unusual price spikes in 2022, Rocky Mountain Power proposes that new base rates be set forever into the future based on those 2022 spikes. Rates will only continue to rise if every new temporary price pressure sets the new baseline. Every



organization that has filed opposition to the rate proposal has challenged Rocky Mountain Power's forecasted cost claims. The PSC should take heed.

Rocky Mountain Power left a few things out in their recent sales pitch to customers. Chief among these are the facts surrounding their management decision to pour over \$6 billion into infrastructure projects to bring wind energy to the West Coast. Their proposal asks Wyoming's families and businesses to cover nearly half of that price tag. Decisions like these force Rocky Mountain Power into the higher "spot market," purchasing energy on very short-term contracts instead of cheaper, long-term deals with Wyoming gas producers.

Also missing from their courtesy note is any explanation about that part of their rate increase that will flow to Washington State's general fund to pay for that state's greenhouse gas emissions tax; or that they want to pay for one-time fuel switching projects with new rates that last forever. Instead, they make a convoluted case that their inflated cost estimates are somehow less inflated because they are spending so much on renewable infrastructure. It makes no sense.

Rocky Mountain Power's rate request will increase costs for Wyoming consumers. It will charge Wyoming customers for the renewable energy ambitions of West Coast states. And it will make the hard decisions faced by Wyoming families and small businesses even harder. They should be sent back to the drawing board to sharpen their pencils. The Public Service Commission is the ultimate decision-maker, and I urge everyone to call 307-777-7427 or [wpsc\\_comments@wyo.gov](mailto:wpsc_comments@wyo.gov) and ask them to say no to the Rocky Mountain Power rate increase.

Sincerely,  
Pete Obermueller  
President of the Petroleum Association of Wyoming



# Nebraska Nuclear Plant Mired in Dispute

By Anthony Ripley Special to The New York Times

March 13, 1972



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*continuing to work to improve these archived versions.*

OMAHA, Neb.—The mighty works in steel and concrete of Peter Kiewit's many companies can be found from Greenland to Southern California, from Alaska to Florida.

In the world of big building contractors, he stresses his reputation for quality and performance. In Omaha, he sits atop the business and social world as no other single figure does in the city or the state.

But right in his own back yard he is involved in quarrel over a nuclear power plant, a quarrel that has been aired in the courts, the legislature and even the city's only daily newspaper, which Mr. Kiewit owns. Similar disputes are settled elsewhere behind the doors of corporate board rooms. But this one is difficult to hide because the power plant is not being built by a privately owned company but by a public power district with a board of directors elected by the 505,000 people of Omaha and parts of 13 counties in eastern Nebraska.

As it has unfolded, the dispute has thrown light on some of the problems that plague the emerging nuclear power industry. While the project near here is not typical—those in the industry call it “notorious”—most of the nation's atomic power plants are also late and expensive.

The dispute has shown, too, how local government operates when it confronts a highly technical construction job run by the most powerful man in town.

And it has provided a rare glimpse into the secretive business world of Mr. Kiewit, whose privately controlled companies do something like \$300-million to \$350-million in business each year, most of it paid for by public money.



At issue is a complex construction job at Fort Calhoun, a tiny town 1.9 miles north of this city on the bank of the Missouri River.

The Peter Kiewit Sons' Company holds the basic construction and mechanical contracts and a share of the contract for the footings for a 455,000 net kilowatt power plant at the site.

The job is far behind schedule, far over price and beset with troubles that the safety experts at the Atomic Energy Commission do not like to see in the power plants they license for operation.

An officer of Peter Kiewit Sons' attributed the troubles to a lack of finished design when the project was started and a large number of change orders that went beyond the scope of the original contract.

"It was not designed when we did it like a normal job is," he said. "I think the facts are that the job was being designed as we were constructing it."

Omaha Public Power District officials also blame changes ordered by the A.E.C., as well as "runaway inflation" and declining productivity of workers.

A spokesman for the commission said that the only significant alterations made in the design were for safety purposes and came before the construction permit was issued—a time when the builder proceeds at his own risk.

Carl A. Goldstein of the Atomic Industrial Forum in New York, a nuclear industry trade association, said few nuclear plants have ever approached the record for cost and delay of the one at Fort Calhoun, even though only two of more than 70 in operation or under construction now have kept to their schedules.

It is a notorious case of underbidding," Mr. Goldstein said.

—Critics of the project say that there has not been a major change in design at the plant in over two years, that the power district has not moved even to enforce the contract's relatively mild penalty clauses against contractors, that the PM) has been mismanaged and that the power district is content to go along with almost any changes a contractor presents for payment.

In any case the original cost estimate on the plant was 564-million; now it is \$163million.

The original date to begin commercial power operation was May 1, 1971; now it is June 1, 1973.

### Leader of Criticism

The leading critic of the way the project has been handled has been 'Edward Zorinsky, 43 years old, an Omaha businessman and a Republican serving his first six-year term on the board of the Omaha Public Power District.

'Mr. Zorinski is supported at times by another member of the seven-member board, Edward Millet Sr., arguing against paying cost overruns. The other five members generally support the contractors:

But it is a strange sort of battle: It often seems as though Mr. Zorinsky's arguments are rebuffed rather than answered. Those on the other side seem to chick and retreat when he

Most on the board go along with the sentiments of Richard Sievers, a mortician who has been on the district board 16 years. He said that there have been problems but everyone is doing the best he can, including M. Kiewit, whom he called "a fine gentleman."



Mr. Kiewit, 71, heads the construction' company started by his father in 1884. He has built most of the modern buildings, in the downtown Omaha skyline; the downtown freeways and is one of the city's major philanthropists.

He is chairman of the Chicago, Rock Island and Pacific Railroad Company and a director of the Northwestern Bell Telephone Company, the Omaha National Bank and the Northern Natural Gas Company.

He personally knows former President Johnson. His wealth was estimated in 1968 by Fortune Magazine in the \$150to \$200-million range.

According to the company magazine, the Kiewit companies have 124 projects currently underway in the United States and Canada, 98 of them publicly financed.

### Publicity Is Sparse

Fortune Magazine, in April 1966, in one of the few reviews ever done of this corporate empire, said Mr. Kiewit finances, subcontracts and supplies much of his own building operations and is devoted to secrecy. The magazine quoted him as saying, "publicity never landed us any jobs."

Mr. Kiewit's parent holding company oversees about 40 subsidiaries in bonding and insurance, equipment rental, quarries, gravel pits, investments, concrete structures, paving and dredging.

Other subsidiaries are coal strip mining companies, one of which provides fuel for the Omaha Public Power District.

He owns 93 per cent of the World Publishing Company which puts out the Omaha World-Herald and operates KETV, one of the city's three television stations.

In Omaha's social world, Mr. Kiewit is a governor and past reigning monarch of Ak-SarBen, the socially correct organization of business leaders that combines boosterism, civic projects and charity. Ak-SarBen (Nebraska spelled backwards) is partly funded from the horse race track it operates near Omaha.

Employees of the Omaha Public Power District belong to Ak-Sar-Ben, with the district paying half of their annual dues.

Mr. Kiewit, when in Omaha, lives in a penthouse apartment in the Kiewit Plaza Building with his wife. His only son is a lawyer in Phoenix, Ariz.

### Views Men at Work

Union men say they have ridden out to building sites with Mr. Kiewit in an anonymous old car. He parks near a construction job and watches his men with binoculars to make sure the work is going well.

Mr. Zorinsky is a contrasting figure. His business world is almost untouched by Mr. Kiewit's position. He is vice president of a vending machine and candy and tobacco company.

During the struggle over the contract with the Kiewit Company two years ago, Mr. Zorinsky made the blunt statement: "What the prime contractor has attempted in increasing the costs of his contracts was tantamount to economic rape of the power district and the people we serve."

The remark was printed, though not prominently, in Mr. Kiewit's World-Herald. Mr. Zorinsky then received a letter canceling an invitation to dinner party by a Kiewit official. His wife has since been snubbed socially because of it.



Ground for the nuclear plant was purchased in 1965 before Mr. Zorinsky was on the board. As is common in nuclear projects, the work began well before a construction permit was issued in June, 1968.

In January, 1968, a \$4.4-million contract was awarded to Kiewit-Raymond, a joint venture firm, to set pilings and concrete slab for the base of the plant. In mid-February the A.E.C. in order to make the plant more earthquake proof, ordered pilings driven to bedrock and the sand around the pilings compacted.

This was the first construction step and district officials still maintain that the A.E.C. order forced the contractor into extra work whose ripple effect has been felt throughout the life of the entire project. The district paid out an extra \$1.1million on that contract.

The Kiewit company won the bidding for the general construction of the buildings on a bid of \$11.9-million in June, 1968. This contract was, of course, dependent on finishing the earlier contract.

The subfoundation work dragged on into the winter months.

### Speed-ups Tried

In an effort to catch up, two speed-ups of the job, lasting seven and five months each, were tried. They were called off on January 23, 1970.

All told, the two "accelerations" cost the district more than \$5-million and "we are farther behind than we ever were," Mr. Miller told the board on March 19, 1970.

Kiewit representatives explained to the board that the men were getting in one-another's way, that they were tired and that winter work was more costly.

The giant reactor vessel and steam generators arrived by barge up the Missouri River from Tennessee in April. What with delays and storage charges, a \$200,000 move, of 200 yards into the plant became a \$1.5-million project. One of the steam generators was partly dropped and A.E.C. officials hurried to the scene to examine it. It was all right.

In late May and early June of 1970, the Kiewit Company, demanding \$36-million on the contract it had bid at \$11.9million, pulled its men off the job.

At that time, with the plant running late and expensive, the financial arrangements were beginning to come apart. Sale of electricity from the plant was supposed to pay off revenue bonds and notes for its construction and the contractors strike caught district officials "between a rock and a hard place," as one man in Omaha said. Any delay could only make things worse.

### Project's Engineers

The engineers on the project, Gibbs, Hill, Durham & Richardson, Inc., is a combine of Gibbs & Hill, Inc., of New York City, a subsidiary of The Drava Corporation, of Pittsburgh, another big conglomerate construction firm, and the Omaha concern of Henningson, Durham & Richardson, Inc.

The engineers said the maximum that could be justified in payments to the Kiewit company was \$23.2-million.

Mr. Zorinsky said the board was advised by its attorney, Hird Stryker, of Fraser, Stryker, Marshall and Veach, that it would be useless to try to end the walkout by going to court.

(Mr. Stryker's company in the 1971 edition of MarindaleHubbell Law Directory listed both the Omaha Public Power District and Peter Kiewit Sons' Company as among its clients. The 1972 edition no longer lists the Kiewit Company as a



client. The matter came before an enquiry committee of Nebraska's Fourth Judicial District in Omaha and the company was cleared of conflict of interest charges.)

With the job shut down, the district board declared an emergency and, over the protests of Mr. Miller and Mr. Zorinsky, passed a resolution giving the Kiewit Company an open-ended contract.

### Court Suit Filed

Mr. Zorinsky, after advising the board that they might be held personally responsible for misspent funds, went to court the next day with a rate-payer's law suit, filed by an acquaintance, asking a \$23.2million ceiling on payments to the contractor and an order barring Kiewit from further walkouts. He won the suit.

Judge Theodore Richling noted that Mr. Stryker was arguing in the case that the court had no jurisdiction over the matter, an unusual stance for someone trying to protect the best interests of the power district.

-At the plant, the steel dome that covers the reactor vessel was found to be 32 inches off center and had to be torn down and rebuilt. Also, the four-foot-thick concrete dome over the steel dome had to be partly dismantled in August, 1970, when workers left out some of the steel reenforcing rods.

In September, the district increased its electric rates 6.7 per cent. It was the first raise in 24 years.

“The wild spending on this nuclear project must be contained,” Mr. Zorinsky told the board in arguing against the raise, which passed by a 4-3 vote.

In both April and November, the district sold a total of \$100 million in short-term revenue notes to help finance the project.

With the plant running late, power supply for the district was also becoming a problem. The district was forced to order two gas-fired turbines for \$9.5 million to help it meet peakload demands.

### New Price Sought

The Kiewit Company, awarded the mechanical equipment contract on March 13, 1969, at a price of \$21.2 million, now is seeking \$34.2 million for the work, including \$6.5 million charge for "effect of disruption of contract schedule."

On Feb. 1 this year, the district was forced to bite the financial bullet again and issued \$170 million worth of bonds, with \$100 million of the total to pay off the short-term revenue notes.

Of the plant's total estimated price of \$163.1 million, \$22 million is in interest costs. This is about 12.5 per cent of the total cost.

Another of the contractors, the Commonwealth Electric Company of Lincoln, Neb., won the electrical contract in May, 1989, with a bid of \$4.8 million. They are now requesting \$11.4 million.

Both the mechanical and electrical contracts are yet to be resolved.

Attempts to reach Mr. Stryker for comment were fruitless.

Engineers from Gibbs, Hill, Durham & Richardson did not want to be quoted.

Karl R. Goller, branch chief for the A.E.C.'s division of reactor licensing in Bethesda, Md., declined to comment.



Daniel D. Kelly, assistant general manager of the district for advertising and public relations, said there was no-fraud or malfeasance in the operations and that "I think people have confidence in O.P.P.D."

A. Lynn Munroe, general manager of the district, blamed design changes by the A.E.C., inflation, declining productivity by workers and weather and said he did not think the project was either abnormally overpriced or overly delayed.

In Nebraska's single-house Legislature, State Senator Terry Carpenter, Democrat of Scotts Bluff, has formally requested that the State Attorney General and State Auditor of Public Accounts go over the project and its finances.

In January, he told the uni cameral body, "I am not going to sit here and let these people be pilfered and let them be overwhelmed because the lousy public power districts, particularly the one in Omaha, become a play-pen for unscrupulous contractors or their associates."

In an interview in his office at the Capitol in Lincoln, the Senator said no one knows 'exactly what is going on at the construction site.

"It's so damned big and confused and there is a lack of any records so that you've got to take what the contractor says. There's nothing else to do," the Senator said.

"The guy's too big. He don't like to be supervised and who in hell wants to incur the wrath of Mr. Kiewit? He owns the newspaper."