

## **GUIDANCE DOCUMENT NO. 10\***

### **DEFINITION OF TERM “ULTIMATE USER” AS USED IN NEB. REV. STAT. § 70-1011**

#### **I. Purpose**

This policy establishes the Nebraska Power Review Board’s (the Board) interpretation of the term “ultimate users” used in Neb. Rev. Stat. § 70-1011. In particular, the Board wishes to clarify that the term “ultimate users” refers to the location of a load or customer, and not to the location of the meter or other point of interconnection where a load or customer’s system is connected or coupled with an electric power supplier’s distribution system.

#### **II. Policy Applicability and Definitions**

A. This policy is intended to apply to situations covered under Neb. Rev. Stat. § 70-1011 where a power supplier is, or wishes to be, interconnected with a load or customer’s electric system for purposes of supplying the load or customer with electric service, when the load or customer is located outside the power supplier’s certified retail service area in the State of Nebraska.

B. “Power supplier” follows the same meaning as provided in Neb. Rev. Stat. § 70-1001.01(2).

C. “Load” or “customer” means an individual physical building, machine, equipment or similar devices (or sometimes a connected or related group of buildings, machines, equipment or similar devices) that uses the electricity provided to it by a retail power supplier.

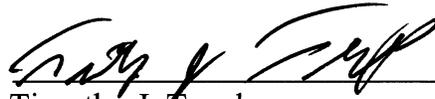
#### **III. Board Findings**

A. It is the Board’s interpretation that the term “ultimate users,” as it is used in Neb. Rev. Stat. § 70-1011, refers to the physical location of a load or customer where the electricity is consumed or converted into another form of energy.

\* This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

1. It is the Board's interpretation that the term "ultimate user" does not refer to the location of the meter used to measure the amount of electricity provided to the load or customer.

B. Based on the above interpretation, the Board believes that it is a violation of Nebraska law for a power supplier to provide electrical power to a load or customer located in any other power supplier's certified retail service area, except by agreement of the suppliers involved, by order of the Board or a court of competent jurisdiction, or as authorized by some other legal authority determined to have jurisdiction over this matter.



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Timothy J. Texel

Executive Director and General Counsel

Approved at NPRB Board Meeting April 22, 2011.