

**STATE OF NEBRASKA  
NEBRASKA POWER REVIEW BOARD**

IN THE MATTER OF THE COMPLAINT	)	<b>C - 52</b>
OF TWIN VALLEYS PUBLIC POWER	)	
DISTRICT,	)	
Complainant,	)	
	)	
AGAINST	)	<b>ORDER ON JOINT</b>
	)	<b>MOTION TO DISMISS</b>
SOUTHERN PUBLIC POWER DISTRICT,	)	
Respondent.	)	

On October 26, 2016, the parties filed a Joint Motion to Dismiss formal complaint C-52. In the Motion the parties informed the Nebraska Power Review Board (the Board) that the parties had entered into a written settlement resolving all contested issues. Exhibit A, attached to the Motion to Dismiss, is a copy of the settlement agreement.

The Board's Rules of Practice and Procedure, Title 285, Nebraska Administrative Code, Chapter 3, section 014, states: "Following the filing of any application or pleading, a party shall not be permitted to withdraw said application or pleading without the Board's approval. However, the Board encourages the voluntary settlement of all matters which may come before it."

During its public meeting held October 28, 2016, the Board voted to dismiss formal complaint C-52. The Board noted that in paragraph 1 of the "Agreement" section of the Settlement Agreement, it states that Twin Valleys Public Power District will provide Southern Public Power District with conditional waivers for each of the four

services Southern PPD is currently serving inside Twin Valleys PPD's retail service area. The Board's motion included a direction to the parties that, in accordance with the normal process for a utility to serve a customer located inside another utility's retail service area, Southern PPD should file an application requesting permission to serve each of the four customers, and provide the Board with the Consent and Waiver form completed by Twin Valleys PPD. This will ensure that the Board has a permanent record demonstrating Southern PPD's right to serve the four customers that is similar to all other similar instances where a utility serves a customer inside another utility's retail service area.

IT IS THEREFORE ORDERED that formal complaint C-52 is DISMISSED without prejudice. In conformity with the settlement order, Twin Valleys PPD will provide a completed conditional Consent and Waiver form giving Southern PPD permission to continue serving the four customers located in Twin Valleys PPD's service area. Southern PPD will file a completed application to serve each of the four customers with the Board, along with the Consent and Waiver forms, following the Board's normal process in such matters.

Dated this 31<sup>st</sup> day of October, 2016.

  
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Stephen M. Lichter  
Chairman

## CERTIFICATE OF SERVICE

I, Timothy J. Texel, Executive Director and General Counsel for the Nebraska Power Review Board, hereby certify that a copy of the foregoing **Order on Joint Motion to Dismiss** complaint C-52 has been served on the following persons at the addresses indicated, by mailing a copy of the same via certified United States mail on the 8<sup>th</sup> day of November, 2016.

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Timothy J. Texel