

NEBRASKA POWER REVIEW BOARD

CHECKLIST FOR GENERATION, ENERGY STORAGE RESOURCE
AND TRANSMISSION APPLICATIONS

NOTICE: This checklist is designed for the use and convenience of the Power Review Board's staff when processing applications. Although the Board makes this document available to the public for informational purposes, use of the checklist does not imply or guarantee that an applicant has no independent duty to review statutory and regulatory requirements when preparing an application.

1. Application by: _____
2. Date filed: _____
3. Estimated date to begin construction: _____
4. Location: _____
5. Utility with retail service area rights to location: _____
6. Other interested parties: _____

7. Yes / No Does application involve a transmission/distribution facility that is 700 volts or less? (See Neb. Rev. Stat. § 70-1012(1))

IF YES: NPRB approval is not required.

IF NO: Proceed to 8.

8. Yes / No Does the application involve a transmission/distribution line located entirely within the applicant utility's retail service area? (See Neb. Rev. Stat. § 70-1012(1)(a))

IF YES: NPRB approval is not required.

IF NO: Proceed to 9.

9. Yes / No Does the application involve a transmission/distribution line equal to or less than one-half mile in length located outside the applicant's retail service area? (See Neb. Rev. Stat. § 70-1012(1)(a))

IF YES: Formal NPRB approval is not required. An application must be filed, but the NPRB staff will administratively approve the filing if the necessary consents are received.

IF NO: Proceed to 10.

10. Yes / No Does the application involve a generation facility with the following characteristics? (See Neb. Rev. Stat. § 70-1012(1)(b))

- a) Purpose is to replace an existing facility owned by a municipality or registered group of municipalities
- b) Capacity of the new facility does not exceed capacity of the facility being replaced.
- c) Capacity of the new facility is not more than 25,000 kilowatts (25 MW)
- d) Applicant will not use facility to supply wholesale electricity to customers outside the applicant's retail service area or chartered territory

IF YES: No NPRB approval or notice is required.

IF NO: Proceed to 11.

11. Yes / No Does the application involve a net metering qualified facility?

IF YES: to (a) to (d): NPRB formal approval is not required.

IF NO: Proceed to 12.

Neb. Rev. Stat. § 70-1012(2) to (4)

12. Yes / No: Is proposed facility located within a ten-mile radius of a military installation (as defined in § 70-1001.01(9))?

Definition: (a) U.S. Air Force ballistic missile silo within area described in 31 C.F.R. 802.21(b)(3) (as of Jan. 1, 2025)

Nebraska Counties included:

Banner

Cheyenne

Kimball

Scotts Bluff

Deuel: All lands located south of Township 15 North, and west of Range 43 West (using the Bureau of Land Management's Public Lands survey System).

Garden: All lands located south of Township 19 North, and west of Range 43 West.

Morrill: All lands except those located north of Township 21 North

Sioux: All lands except those located north of Township 26 North and east of Range 57 West

(b) U.S. Air Force based described in 31 C.F.R. 802.227(c) (as of Jan. 1, 2025)

Installations included:

Offutt Air Force Base in Bellevue, NE (i.e., OPPD & NPPD)

IF NO: Go to 16.

13. Yes / No: Did the owner provide written notice to the NPRB certifying that such facility contains no electronic-related equipment or electronic-related components manufactured by any foreign adversary?

Definition: Neb. Rev. Stat. § 70-1001.01(8) defines foreign adversary as “a foreign government or foreign nongovernment person determined to be a foreign adversary pursuant to 15 C.F.R. 791.4 as of February 7, 2025.”

Foreign adversaries list:

- 1) People’s Republic of China, including the Hong Kong Special Administrative Region & Macau Special Administrative Region (China)
- 2) Republic of Cuba
- 3) Islamic Republic of Iran
- 4) Democratic People’s Republic of Korea (North Korea)
- 5) Russian Federation (Russia)
- 6) Venezuelan politician Nicolas Maduro (Maduro Regime)

IF NO: Proceed to 14.

14. Yes / No: Is the owner supplying, producing or distributing electricity within Nebraska for sale at retail (i.e., it is a public power retail utility)?

IF YES: Did the owner certify in writing to the NPRB that the utility is in compliance with the critical infrastructure protection requirements issued by the North American Electric Reliability Corporation?

Utilities that have submitted written certification of compliance with NERC CIP standards (current as of July 1, 2026):

Village of Ansley	Northwest RPPD
Butler PPD	OPPD
Cedar-Knox PPD	Panhandle REA
Cuming County PPD	Perrenial PPD
Custer PPD	City of Pierce
Elkhorn RPPD	Polk Co. RPPD
Highline Electric Assoc.	Village of Reynolds
Howard-Greeley RPPD	Roosevelt PPD
K.B.R. RPPD	South Central PPD
LaCreek Electric Assoc.	Southern PPD
Loup River PPD	Southwest PPD
McCook PPD	Stanton Co. PPD
Midwest EMC	Village of Stuart
City of Nebraska City	Twin Valleys PPD
Niobrara Valley EMC	Village of Weston
Norris PPD	Wheatbelt PPD
North Central PPD	Wyrulec Company

IF YES: Did the owner acknowledge its duty to submit a written notice to the NPRB if the utility is at any time no longer in compliance with the NERC CIP requirements?

IF YES to both above: Go to 17.

IF NO: Owner must provide written notice described in 13 and 15.

15. Yes / No: Did the owner consult with its vendors and provide the NPRB with a **one-time** written notice certifying that the facility continually contains no electronic equipment or electronic-related components manufactured by any foreign adversary?

IF YES: Did the owner acknowledge its duty to submit written notice to the NPRB if the facility is at any time no longer in compliance with the absence of foreign adversary equipment and components requirement?

IF YES: Go to 17.

IF NO: Proceed to 16.

16. Yes / No: Did owner submit a request for preapproval to use equipment/components manufactured by a foreign adversary?

IF YES: See required findings in Neb. Rev. Stat. § 70-1012(4).

IF NO: Application does not meet statutory requirements regarding proximity to military installations.

Neb. Rev. Stat. § 70-1012(5)

17. Is the application for a privately-owned stand-alone energy storage resource (see Neb. Rev. Stat. § 70-1012(5))?

IF YES: Proceed to 18.

IF NO: Go to 22.

18. Yes / No Does application affirm that the owner has entered into, or prior to construction will enter into, a power purchase agreement (or similar contractual agreement) with a Nebraska public power district, public power & irrigation district, municipality, registered group of municipalities, electric cooperative, or electric membership association, for the purchase of all electric energy and electric capacity of such resource **and** will maintain a contractual relationship throughout the operational life of the ESR?

19. Yes / No Does the application include a written consent from each electric supplier that will have any part of the ESR located in its chartered territory or retail service area?

20. Yes / No Will ESR be interconnected with a public power entity's substation or switchyard that contains facilities rated at 100 kV or greater?

IF YES: Does the application include a written consent from the utility that will be interconnected with the ESR at its substation or switchyard?

IF NO: Proceed to 21.

21. Yes / No Does the application demonstrate that the private supplier has entered into a joint transmission development agreement with the consumer-owned electric supplier that will interconnect with the ESR?

IF YES: Does joint transmission development agreement address the following issues regarding additions or upgrades to transmission facilities?

- (a) Yes / No Construction
- (b) Yes / No Ownership
- (c) Yes / No Operation
- (d) Yes / No Maintenance

Neb. Rev. Stat. § 70-670(5)(a) (privately-owned large generators)

22. Yes / No Does application involve an electric generation facility that will be:

- (a) Privately-owned?
- (b) Constructed to provide electricity to an industrial customer at a single site?
AND
- (c) Providing electricity for a customer with greater than 1,000 MW load?

IF YES to (a) – (c): Proceed to 23.

IF NO: Go to 28.

23. Yes / No Is privately-owned large generation facility co-located or adjacent to the industrial customer to be served?

24. Yes / No Does the privately-owned large generation facility have an electrically equivalent point of grid interconnection to the industrial customer to be served?

25. Yes / No Have the privately-owned large generation facility owner and the consumer-owned utility with retail service area rights to the industrial customer's location (and if applicable, the consumer-owned wholesale power supplier responsible to meet an RTO's resource adequacy requirements for the retail utility) AND the transmission owner for the service area, executed a long-term power purchase agreement?

IF YES: Does the PPA do all of the following?

- (a) Preserve exclusive the right of the consumer-owned utility holding the retail service area rights to the location to serve retail customers in its service area?
- (b) If applicable, preserve the contractual right of the consumer-owned wholesale provider to supply the consumer-owned retail utility?
- (c) Provide commercial benefits acceptable to the consumer-owned utility?
- (d) Prohibit resale of electricity by the industrial customer?
- (e) Includes a contractual waiver by the consumer-owned utilities of the right to use eminent domain to acquire the generation facility for the duration of the contract?

26. Yes / No Did the governing body of the consumer-owned utility approve the contract referenced in 25?

27. Yes / No Has the industrial customer agreed to pay all costs, fees and electric system upgrades incurred by any consumer-owned utility as a result of the industrial customer's project?

Neb. Rev. Stat. § 37-807(3) (Game & Parks Review)

28. Yes / No Has the Nebraska Game and Parks Commission reviewed the project and provided a consultation letter stating whether the project may or will harm any threatened or endangered species or their critical habitat?

IF YES: Did the Commission find that the project may negatively affect one or more species?

IF NO: Proceed to 29.

29. Yes / No Has the applicant agreed to implement the mitigation measures recommended by Game & Parks?

IF YES: Proceed to 30.

IF NO: Contact the applicant to determine why mitigation measures were not agreed to. Notify applicant that PRB may not approve the application until the applicant and Game & Parks agree on the mitigation measures to be implemented.

30. Yes / No Have the following Nebraska state agencies been made aware of the project?

- a) Department of Aeronautics
- b) State Historical Society
- c) Commission on Indian Affairs

31. Yes / No NPRB staff set hearing date and provides written notice to interested parties.

Reviewed by:_____

Comments:_____

