

## **GUIDANCE DOCUMENT NO. 1\***

### **TEMPORARY APPROVAL OF APPLICATIONS TO CONSTRUCT TRANSMISSION LINES IN EMERGENCY SITUATIONS**

#### **I. Purpose.**

This policy establishes the procedure by which temporary approval of applications to construct transmission/distribution lines can be given to Nebraska power suppliers when an emergency situation exists, pending review of the application by the full Board.

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

- A. This policy shall apply to all applications filed with the Board for authority to construct electric transmission or distribution lines.
- B. The term “emergency” or “emergency situation” as used in this policy shall be interpreted broadly to mean those situations where a customer or power supplier will likely face financial loss, inability to act due to weather, danger to health or safety, or other peril caused by delaying commencement of construction until the Power Review Board’s next scheduled meeting, or insufficient time in which to call a special meeting of the Board.
  - 1. An illustrative example of an emergency situation would be where electrical power is needed immediately to operate or restore operation to a stock pump or irrigation pivot during summer conditions, while the next Board meeting may be a week or more in the future. Without immediate electric service, the loss of livestock or crops is possible or even likely.

\* 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.

### III. Procedure for Emergency Situations.

#### A. Contact with Power Review Board.

1. When the Board receives an application requesting emergency consideration, or when the power supplier contacts the Board's staff, the executive director will make a determination whether he believes an emergency situation exists. If a consent and waiver form will be necessary to avoid a hearing, the Board must also receive a consent and waiver form.
2. If the executive director believes an emergency situation exists, he will contact the Board Chair.

#### B. Temporary Approval

1. The Board Chair is authorized to determine if the power supplier should be given temporary approval to begin construction of the transmission or distribution project.
2. The executive director will notify the power supplier of the Board Chair's decision. This notification may be sent via facsimile transmission.
3. If the Board's Chair is unavailable or cannot be reached, the Board's Vice Chair is authorized to make the determinations set out in paragraph B.1 (above).
4. If the Board's Chair and Vice-Chair are both unavailable or cannot be reached, the executive director is authorized to make the determinations set out in paragraph B.1 (above).

### IV. Restrictions

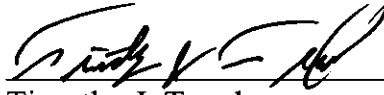
- A. No emergency approval shall be given in those circumstances where consent of an interested utility is required in order to avoid the need for a hearing on the matter, but no such consent for construction and waiver of hearing has been received. In those circumstances, a hearing must be held before construction may begin.

### V. Time Limits on Temporary Approval

- A. The temporary emergency approval given in situations under this policy are expected to be rare, only in those situations where an electric customer, applicant for electric service, power supplier, or other interested person or

entity faces a likelihood of harm, economic or otherwise, if construction cannot begin prior to the Board's next public meeting.

- B. The approval given under this policy in no way replaces or supplants the official approval required to be obtained by the Power Review Board as a whole. The temporary approval is only effective until the board can act on the matter. The matter shall be placed on the agenda for the Board's next available public meeting, in compliance with all legal requirements.



---

Timothy J. Texel

Executive Director and General Counsel

Approved at NPRB meeting on August 25, 2000.