

GUIDANCE DOCUMENT NO. 14*

ELECTRIC ENERGY STORAGE RESOURCES

I. Purpose

This policy establishes the Nebraska Power Review Board's (the Board) interpretation regarding what is required for notices, filing and consideration of applications for energy storage resources (ESR), as defined in Neb. Rev. Stat. § 70-1001.01(9).

II. Associated Energy Storage Resources

- a. If a private electric supplier intends to include an Associated ESR, as defined in Neb. Rev. Stat. § 70-1001.01(9), with a Privately Developed Renewable Energy Generation Facility (PDREGF), the private electric supplier should notify the Board of the intention as part of the Notice provided to the Board for the PDREGF.
- b. If an Associated ESR is to be constructed or installed at a later time than the generation facility with which it is associated (i.e., after the commercial operation date of the generation facility), and the inclusion of the Associated ESR was not part of the original notice for the PDREGF, the owner of the PDREGF should provide written notice to the Board that the ESR is being constructed or installed. The notice will inform the Board of the facility with which the ESR is associated and certify that the Associated ESR meets the requirements set out in Neb. Rev. Stat. § 70-1001.01(1)(a) to (c). The notice is not required to be in any specific format. A letter or email is sufficient.
- c. If the PDREGF with which the ESR is associated is decommissioned or otherwise permanently removed from service, the ESR is no longer an "Associated ESR" under Neb. Rev. Stat. § 70-1001.01(1) and the owner of the ESR must file an application with the Board for authority to continue operating the ESR within thirty (30) days of the date the PDREGF is decommissioned or permanently removed from service. An application for authority to continue operating the ESR follows the same procedure as set out for a new ESR in Neb. Rev. Stat. § 70-1012(5). The ESR may continue to operate during the pendency of the application, provided the application is timely filed. A temporary interruption of service or outage of the PDREGF shall not, by itself, constitute decommissioning or permanent removal from service for purposes of this subsection.

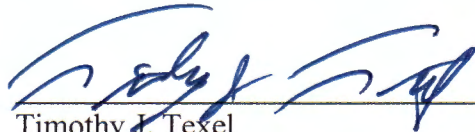
* This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties 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. ESR Constructed With A PURPA Qualifying Facility

- a. If an ESR is installed or constructed as part of a qualifying facility under the Public Utility Regulatory Policies Act of 1978 (PURPA), the ESR will be considered part of the PURPA qualifying facility as long as the Federal Energy Regulatory Commission (FERC) determines the ESR is part of the qualifying facility (whether or not a new Form 556 filing is required), unless the owner of the facility requests that the ESR not be considered part of the PURPA qualifying facility and be treated as a separate facility.
- b. If the owner of an ESR has previously requested that the ESR not be considered part of the PURPA qualifying facility pursuant to subsection (a) above, the owner may subsequently request that the ESR be treated as part of the PURPA qualifying facility by providing written notice to the Board, provided that FERC continues to recognize the ESR as part of the qualifying facility at the time of such request.

IV. Power Review Board Approval Procedures for ESRs

- a. For purposes of filing an application with the Board for approval of an ESR, the person or entity wishing to construct or install the resource should use "Appendix C: Application for authority to construct or acquire an electric generation facility and/or related facilities", as set out in the Board's Rules of Practice and Procedure, Title 285, Nebraska Administrative Code, Chapter 2, page 8. Appendix C is used for purposes of convenience, uniformity, and the type of information gathered on the form.
- b. When completing the application, the applicant should indicate that the facility will be an ESR by removing the word "generation" in the right side of the caption heading just above "Application No. PRB-_____" and replacing it with "Energy Storage Resource". The applicant should also indicate the asset will be an energy storage resource in the answer on line (1)C, asking for "Type of unit or alternate types (Nuclear, conventional, hydro)".


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Amended at NPRB Board Meeting on 6/26/26 (effective date 7/18/26)
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