

NEBRASKA POWER REVIEW BOARD

NOTICE CERTIFICATION CHECKLIST

Privately Developed Renewable Electric Generation Facilities (PDREGF)

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. Date of estimated construction: _____
4. Location and fuel source: _____
5. Utility with retail service area right to location: _____

Notice Requirements in Neb. Rev. Stat. § 70-1014.02(2)(a)

6. Yes / No: Was notice filed at least thirty days prior to commencement of construction?
7. Yes / No: Owner notified NPRB in writing of intent to construct PDREGF.
8. Yes / No: Owner certifies facility will meet the requirements for a PDREGF.
9. Yes / No: Owner certifies it will comply with any decommissioning requirements adopted by any local government with jurisdiction.
10. Yes / No: Has any local government entity with jurisdiction over the location created decommissioning requirements?

IF YES: Proceed to 11.

IF NO: Did owner submit a decommissioning plan to NPRB obligating owner to bear all costs of decommissioning the PDREGF?

IF NO: Did owner certify that it will post a security bond securing all costs of decommissioning by 6th year of PDREGF's Operation?

IF YES: Did owner provide a copy of the bond to the NPRB?

11. Yes / No: Did owner certify that it has entered into (or prior to commencing construction will enter into) a joint transmission development agreement pursuant to subdivision (d) with the utility owning transmission facilities of 60,000 volts or greater to which the PDREGF will interconnect?
12. Yes / No: Did the owner certify to the NPRB that it has (or will prior to commencement of construction) consulted with the Nebraska Game & Parks Commission?
13. Yes / No: Is PDREGF capacity over 10 MW?

IF NO: Proceed to 14.

IF YES: Did owner certify that it held at least one public meeting with advanced publicized notice in one of the counties where the PDREGF will be located?

IF YES: Did owner certify that at the public meeting (A) the owner explained the need for the proposed facility & the type of facility involved, **and** (B) that property owners in the counties where the PDREGF will be located were provided an opportunity to comment on the proposed PDREGF?

IF YES: Did owner submit a report to the NPRB with the minutes of the meeting, which include how many people provided comments on the proposed PDREGF?

IF YES: Were documents submitted at the public meeting?

IF YES: Did the NPRB request a copy of the documents?

Requirements re: Military Installations in Neb. Rev. Stat. § 70-1014.02(2)(b)

14. Yes / No: Is PDREGF 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 18.

IF YES: Proceed to 15.

15. Yes / No: Has the PDREGF owner consulted with its vendors and provided the NPRB with a **one-time** written notice certifying that the facility continually 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 16.

IF YES: Did the owner acknowledge its duty to submit a written notice to the NPRB if the facility is at any time no longer in compliance with the notice in 15? (See Neb. Rev. Stat. § 70-1014.02(2)(b)(ii)(B)).

IF YES: Go to 18.

IF NO: Proceed to 16.

16. Yes / No: Is the PDREGF connected to the grid at 100 kV or higher voltage and have a nameplate capacity of 20 megavolt amperes or more for a single generation unit, or has an aggregate of 75 megavolt amperes or greater?

IF NO: Proceed to 17.

IF YES: (a) Did the owner certify in writing to the NPRB that the PDREGF will, upon reaching commercial operation, be in compliance with the critical infrastructure protection

requirements issued by the North American Electric Reliability Corporation?

(b) 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 NERC CIP requirements? (See Neb. Rev. Stat. § 70-1014(2)(b)(i)(B)).

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

IF NO: Potential noncompliance. The PDREGF owner must either provide the notice in 15, the notice in 16, or receive an exception under the emergency provisions in Neb. Rev. Stat. § 70-1014.02(2)(b)(ii)(B)(iii).

IF YES: See emergency provisions and required findings in Neb. Rev. Stat. § 70-1014.02(2)(b)(ii)(B)(iii).

Notice Requirements in Neb. Rev. Stat. § 70-1014.02(2)(d)

18. Yes / No: Has a joint transmission development agreement been entered into addressing construction, ownership and maintenance of the transmission additions or upgrades? (See Neb. Rev. Stat. § 70-1014.02(2)(d)).

IF YES: Was the agreement entered into contemporaneously with the applicable RTO's generator interconnection agreement?

IF NO: It is mandatory for the owner and the applicable electric supplier to enter into a joint transmission development agreement.

19. Yes / No: If all requirements are met, did the NPRB's executive director issue a written acknowledgment to the PDREGF's owner that the PDREGF is exempt from Neb. Reb. Stat. sections 70-1012 to 70-1014.01?

Reviewed by: _____

Comments: _____

