

**STATE OF NEBRASKA  
NEBRASKA POWER REVIEW BOARD**

IN THE MATTER OF THE APPLICATION )	<b>PRB-3846-M</b>
OF THE TWIN VALLEYS PUBLIC POWER )	
DISTRICT HEADQUARTERED IN )	
CAMBRIDGE, NEBRASKA, REQUESTING )	
AUTHORITY TO CONSTRUCT A )	
MICROWAVE COMMUNICATION )	<b>ORDER</b>
FACILITY. )	

On the 27<sup>th</sup> day of January, 2017, the above-captioned matter came on for consideration before the Nebraska Power Review Board (the “Board”). The Board, being fully advised in the premises, and upon reviewing said application and all filings, information, and evidence submitted to the Board, HEREBY FINDS AS FOLLOWS:

**FINDINGS OF FACT**

1. That on the 12<sup>th</sup> day of December, 2016, the Twin Valleys Public Power District (“Twin Valleys PPD”) filed an application with the Board for authorization to construct a microwave communication facility in the range of 902 to 928 MHZ. The project would consist of a microwave communication tower at the Cambridge Substation located northeast of Cambridge, Furnas County, Nebraska. The application was designated “PRB-3846-M.”
2. That the estimated total capital cost of the project is \$6,578.37.
3. That the microwave facility would be located in the service area of the Twin Valleys PPD.

4. That in a previous application (PRB-3692-M) approved in September 2012, the Board approved Twin Valleys PPD's request to install certain microwave facilities to provide microwave communications capability to a portion of its facilities.

5. At two of the substations involved in the PRB-3692-M project, Twin Valleys PPD contracted with the Cambridge Telephone Company (doing business as Pinpoint Communications) to provide its communications needs. Pinpoint Communications installed WiMAX equipment at the Medicine Creek substation north of the City of Cambridge, and cellular equipment was installed at the Cambridge substation northeast of Cambridge.

6. Due to reliability issues with the WiMAX equipment at the Medicine Creek substation, Twin Valleys PPD filed an application (PRB-3738-M) and was given permission to replace and operate the WiMAX equipment with a 900 MHz microwave communications link.

7. Since the spring of 2016 season, Twin Valleys PPD has been experiencing reliability issues at the Cambridge Substation, affecting the reliability and effectiveness of its communications system. The cellular system at the Cambridge substation had to be rebooted manually over twenty times since January 1, 2016. Cambridge Telephone Company replaced the equipment at the Cambridge substation twice, but the reliability issues have not been resolved. Twin Valleys PPD invested a multitude of regular work hours and several hours of overtime carrying out a contingency plan due to the loss of communications at the Cambridge Substation. Irrigators also lost valuable off-peak pumping opportunities due to the loss of communication.

8. Twin Valleys PPD now desires to replace the existing communications system at the Cambridge substation operated by Cambridge Telephone Company with a 900MHz unlicensed microwave communications link. Twin Valleys PPD has completed path studies for this fourteen-mile link.

9. On December 27, 2016, a Notice of Filing was sent to those parties the Board deemed to be potentially interested in the application. The Board provided notice to all regulated carriers listed with the Nebraska Public Service Commission as operating in the Twin Valleys PPD's service area or in all or a portion of a county served by the District. Those carriers that received Notice were: Arapahoe Telephone Company headquartered in Arapahoe, Nebraska, Cambridge Telephone Company headquartered in Cambridge, Nebraska, CenturyLink QC headquartered in Minneapolis, Minnesota, Citizens Telecommunications Company of Nebraska headquartered in Mound, Minnesota, Consolidated Telecom, Inc. headquartered in Lincoln, Nebraska, Curtis Telephone Company headquartered in Lincoln, Nebraska, Glenwood Telephone Membership Corp. headquartered in Blue Hill, Nebraska, Great Plains Communications headquartered in Blair, Nebraska, Hartman Telephone Exchange d/b/a BW Telecom headquartered in Benkelman, Nebraska, and Rural Telephone Service Company, Inc. headquartered in Lenora, Kansas.

10. Pursuant to the requirements set out in Neb. Rev. Stat. § 70-1021, the Notice of Filing stated that those regulated carriers operating in the area had ten days from the date of the Notice in which to file a written protest opposing approval of said application.

11. That no written Protests were filed with the Board concerning application PRB-3846-M.

12. That pursuant to its obligations under Neb. Rev. Stat. § 37-807, the Board consulted with the Nebraska Game and Parks Commission (“the Commission”) to ensure that the Board’s approval of PRB-3846-M would not jeopardize the continued existence of any endangered or threatened species or result in the destruction or modification of habitat of such species determined by the Commission to be critical. The Commission determined that the proposed project would have “no effect” on any state listed threatened or endangered species.

### **CONCLUSIONS OF LAW**

13. Pursuant to Neb. Rev. Stat. § 70-1021, the Board has jurisdiction over the approval of microwave communications facilities to be constructed by a public power district. Such approval is required prior to commencement of construction or operation of facilities such as those described in application PRB-3846-M.

14. Pursuant to Neb. Rev. Stat. § 70-1021, the Board finds that the Twin Valleys Public Power District is not receiving the required quality of service and will not within a reasonable time receive the required quality of service from the regulated carrier involved, that the regulated carrier is not able to provide the required quality of service by the same or alternate methods at the same or lower cost, and that the construction is in the public interest.

15. That a majority of the members of the Board (5 to 0) voted to approve application PRB-3846-M during the Board’s public meeting held January 27, 2017.

IT IS THEREFORE ORDERED that, pursuant to the Nebraska Power Review Board's action during its public meeting held January 27, 2017, the Twin Valleys Public Power District's application for authorization to construct a microwave facility in the range of 902 to 928 MHZ at the District's Cambridge substation in Furnas County, Nebraska, as requested and further described in application PRB-3846-M be, and hereby is, APPROVED.

Dated this 27<sup>th</sup> of January, 2017.

NEBRASKA POWER REVIEW BOARD

BY

  
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Stephen M. Lichter

Chairman