

**STATE OF NEBRASKA
NEBRASKA POWER REVIEW BOARD**

IN THE MATTER OF THE APPLICATION)	
OF THE NEBRASKA PUBLIC POWER)	PRB-3970-M
DISTRICT, HEADQUARTERED IN)	
COLUMBUS, NEBRASKA, REQUESTING)	ORDER
AUTHORITY TO CONSTRUCT A)	
MICROWAVE COMMUNICATION)	
FACILITY IN HOLT COUNTY, NEBRASKA)	

On the 15th day of July, 2022, the above-captioned matter came on for consideration before the Nebraska Power Review Board (the Board). The Board, begin 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. On May 12, 2022, the Nebraska Public Power District (NPPD) filed an application requesting authority to construct or install and operate a microwave communications facility that would operate at 6 gigahertz (GHz) frequency for the operation of NPPD's 345 kilovolt (kV) transmission lines between NPPD's Holt County substation and the Western Area Power Administration's (WAPA) 345 kV Grand Island substation, and also between NPPD's Holt County substation and WAPA's Grand Prairie switching station.
2. The estimated cost of construction for the project is \$125,000.
3. Pursuant to Neb. Rev. Stat. § 70-1021 the Board provided notice of the filing of the application to the regulated telecommunications carriers operating in the project

area. Those carriers to which the Board provided notice were: Frontier Communications of America, Inc., Great Plains Communications, Inc. and Northeast Nebraska Telephone Company (NNTC).

4. On May 27, 2022, NNTC filed a Protest opposing the approval of application PRB-3970-M. On June 17, 2022, the Board held a hearing to address the jurisdictional issues involved in the above-captioned proceeding. Specifically, the Board examined whether NNTC's Protest was filed within the prescribed time frame. The Board determined that the NNTC's Protest was filed in a timely manner. A hearing on the merits of the application was scheduled for July 15, 2022.

5. On July 11, 2022, Thunderhead Wind Energy LLC filed a Petition for Intervention. On July 13, 2022, the hearing officer granted Thunderhead Wind Energy's intervention.

6. On July 14, 2022, NNTC filed a Motion to Withdraw its Protest. The Board's Rules of Practice and Procedure require that the Board must approve the withdrawal of any pleading that is filed with the Board. Title 285, NAC, Chapter 3, section 014. At its public meeting held July 15, 2022, the Board approved the withdrawal of NNTC's Protest. In its withdrawal, NNTC stated "Protestant stipulates that the Application meets the requirements of Neb. Rev. Stat. § 70-1021."

7. Application PRB-3970-M had been placed on the Board's agenda for its July 15, 2022 public meeting prior to twenty-four hours before the scheduled start of the meeting. At its July 15, 2022, public meeting, the Board reviewed the application and

received additional information from representatives of NPPD, Thunderhead Wind Energy, and NNTC.

8. That pursuant to its obligations under Neb. Rev. Stat. § 37-807(3), the Board consulted with the Nebraska Game and Parks Commission (the Commission) to ensure that the Board's approval of PRB-3970-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 project site is within the range of the endangered Whooping Crane, and the threatened Northern Long-Eared Bat, Western Prairie Fringed Orchid, American Burying Beetle and the Small White Lady's Slipper. Because the project site has been previously disturbed by utility development, the Commission believes it is unlikely to contain suitable habitat for any of the listed species. The Commission determined the project is not anticipated to have any negative impact on the listed species, and the Commission did not object to the Board's approval of the application.

CONCLUSIONS OF LAW

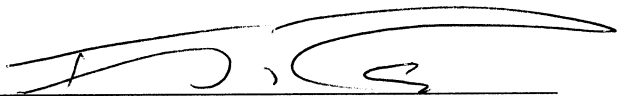
9. Pursuant to Neb. Rev. Stat. § 70-1021, the Board has jurisdiction over the approval of microwave communications facilities to be constructed by public power districts. Such approval is required prior to commencement of construction or operation of facilities such as those described in application PRB-3970-M.

10. With the withdrawal of the Protest, the proceeding was removed from the Board's quasi-judicial capacity and the Board was once again able to consider action on application PRB-3970-M as part of its public meeting process.

11. Based on the information provided to the Board in the application and at the July 15, 2022 public meeting, a majority of the members of the Board (4 to 0) voted to waive the hearing and approve application PRB-3970-M. The Board's vote to approve specifically found that the regulated carriers would not provide the required quality of service by the same or alternate methods, at the same or lower costs to the district, and that the construction and operation of the proposed microwave communication facility would be in the public interest.

IT IS THEREFORE ORDERED that Application PRB-3970-M, filed by the Nebraska Public Power District to authorize the construction and operation of a microwave communication facility in Holt County, Nebraska, as requested and further described in application PRB-3970-M be, and hereby is, APPROVED.

Dated this 18th day of July, 2022.



Frank Reida
Board Chairman