

NEBRASKA POWER REVIEW BOARD

Received
State of Nebraska
Power Review Board
Filed at 1:57 pm This 26
day of September 20 24
By: Sara Bukett
Title: Paralegal

IN THE MATTER OF THE JOINT APPLICATION)
OF NEBRASKA PUBLIC POWER DISTRICT,)
OMAHA PUBLIC POWER DISTRICT AND THE)
VILLAGE OF STERLING, NEBRASKA)
TO MODIFY THE RETAIL SERVICE AREA)
AGREEMENT BETWEEN THE NEBRASKA)
PUBLIC POWER DISTRICT AND OMAHA)
PUBLIC POWER DISTRICT)

SAA 311

SAA 311-24-A

This joint application, made and entered into on September 25, 2024, by and between NEBRASKA PUBLIC POWER DISTRICT, (hereinafter called "NPPD"), a public corporation and political subdivision of the State of Nebraska, OMAHA PUBLIC POWER DISTRICT, (hereinafter called "OPPD"), a public corporation and political subdivision of the State of Nebraska, and the VILLAGE OF STERLING, NEBRASKA, (hereinafter called "VILLAGE"), a municipal corporation organized under the laws of the State of Nebraska.

WHEREAS, NPPD and OPPD serve customers at retail in adjoining service areas; and

WHEREAS, Chapter 70, Article 10 of the Revised Statutes of the State of Nebraska authorizes and directs suppliers of electricity serving customers at retail in adjoining service areas to enter into written agreements specifying either the service areas or customers each shall serve; and

WHEREAS, NPPD and OPPD did pursuant to such statutes enter into a Service Area Agreement designated as SAA 311 by the Nebraska Power Review Board; and

WHEREAS, Amendments to SAA 311 have been approved by the Nebraska Power Review Board from time to time; and

WHEREAS, on March 12, 2024, the VILLAGE annexed a tract of land in Johnson County, Nebraska, as further described in the Ordinance No. 2024-02 approving the addition of the described tract of land to the VILLAGE's corporate limits and which is attached as Exhibit D hereto; and

WHEREAS, a small portion of the land annexed by the VILLAGE under Ordinance No. 2024-02 referenced above is currently located in OPPD's service area and such portion of land located in OPPD's service area is further described by metes and bounds in Exhibit B and identified in red on the map attached as Exhibit A, both attached hereto and incorporated herein by reference.

WHEREAS, NPPD, OPPD and the VILLAGE have reached an agreement on the transfer of such area identified in red in Exhibit A and described by metes and bounds in Exhibit B, under Ordinance No. 2024-02, from OPPD's service area to NPPD's service area, and

WHEREAS, NPPD operates the retail electric distribution facilities owned by the VILLAGE pursuant to a long-term agreement and, as a result, desires to amend the existing Retail Service Area Agreement between NPPD and OPPD for the purpose of incorporating the portion of the newly annexed tract of land identified in red in Exhibit A and described by metes and bounds in Exhibit B into the service area held by NPPD as set out in SAA 311, and

WHEREAS, under the terms of its rights under Neb. Rev. Stat. Section 70-1008(2) the VILLAGE has an interest in the outcome of this application and joins with NPPD and OPPD as a co-applicant in these proceedings by authority of Resolution No. 2024-02, duly adopted by its Village Council on June 11, 2024, which is attached hereto as Exhibit E.

WHEREAS, all parties to this Application have complied with the requirements for joint planning activities as set forth in Chapter 70, Article 10 of the Revised Statutes of the State of Nebraska.

NOW, THEREFORE, the Parties jointly apply to the Nebraska Power Review Board pursuant to said statutes for the purpose of modifying the service area boundary in the subject Service Area Agreement under the terms of the following mutual provisions.

FIRST

Attached hereto, marked Exhibit A, inclusive and made a part hereof by reference as though set forth in detail herein, is a map showing the NPPD retail service area around the VILLAGE and including the proposed service area addition to NPPD's service area in red which is the subject of this application. Attached hereto, marked Exhibit B, is a metes and bounds description more specifically identifying said retail service area to be added to NPPD's Service Area under SAA 311. The Parties hereto agree that the existing Service Area Agreement between NPPD and OPPD is hereby amended reflected on Exhibit A to transfer the area described by metes and bounds in Exhibit B from OPPD to become NPPD's service area.

SECOND

The retail service areas or customers to be served, or both, may be changed at any time and from time to time upon the mutual agreement of NPPD and OPPD with the approval of the Nebraska Power Review Board. Nothing above shall prevent any one Party from mutually agreeing with another Party to serve a retail customer in the retail service area of that Party, but the ultimate decision to serve the retail customer shall be with the Party in whose retail service area the said customer is located. Nothing herein contained shall be construed to prevent any of the Parties from applying to the Nebraska Power Review Board for modification of the retail service areas or customers to be served, as set forth in Chapter 70, Article 10 of the Revised Statutes of the State of Nebraska.

THIRD

The Parties are making this application for the purpose of reflecting the transfer of retail service area between NPPD and OPPD. It is not the intention of the Parties to affect or change any other service area agreements between any of the Parties hereto and any other retail power supplier. This agreement is limited to the areas shown on the service area map, within the current service area and the red area marking the proposed OPPD to NPPD service area transfer, reflected in Exhibit A and described in Exhibit B, and any and all areas outside these areas as shown on Exhibit A are not affected by this application.

FOURTH

In addition to the annexation and associated service area transfer described herein, the parties agree that existing facilities and customers will be transferred from OPPD to NPPD. Attached hereto, marked Exhibit C, and made a part hereof by reference as though set forth in detail herein, is a map depicting the facilities and customers being transferred from OPPD to NPPD. Although there are no records of waivers being signed and filed, OPPD has been serving two customers that lie within NPPD's existing service area. These customers are depicted on Exhibit C. The Parties have agreed on a value for the transfer of said facilities pursuant to 70-1010 (2). The Parties, pursuant to this application, agree that NPPD will begin serving those two customers and any past verbal or written consent and waivers granting the right to serve these residential customers within NPPD's service area, that maybe subsequently located, shall be terminated.

FIFTH

This joint application shall amend Service Area Agreement 311.

SIXTH

This amendment shall remain in effect until changed or cancelled by the mutual consent of the Parties with the approval of the Nebraska Power Review Board, or until changed by action of the Nebraska Power Review Board pursuant to its statutory authority.

SEVENTH

Notwithstanding any terms of this application, nothing herein contained is intended nor shall it be construed to prevent any one Party from owning existing electric facilities, or subject to any required regulatory approval, from constructing, purchasing, leasing or otherwise acquiring, or from operating and maintaining electric facilities in the retail service area of another Party, provided that no retail customers are served by such facilities in such other Party's retail service area except as provided herein.

EIGHTH

The modification of Service Area Agreement 311 between NPPD and OPPD shall become effective only after approval by the Nebraska Power Review Board.

NEBRASKA PUBLIC POWER DISTRICT

By: Courtney DeHijer
Title VP Customer Services and External Affairs & CCO

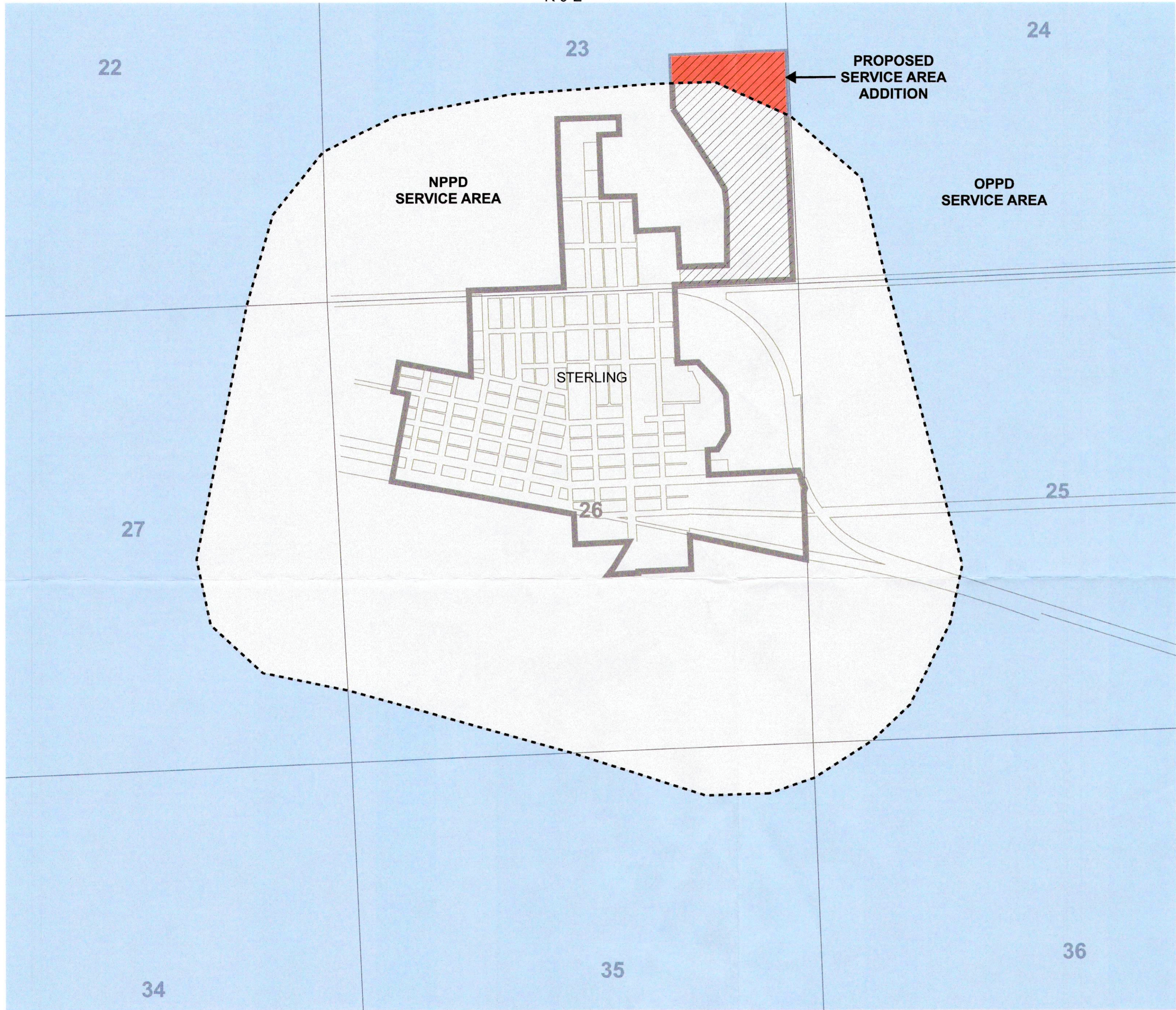
OMAHA PUBLIC POWER DISTRICT

By: Wynelle Young
Title DIRECTOR - CUSTOMER SERVICE - GOVT

VILLAGE OF STERLING, NEBRASKA

By: [Signature]
Title BOARD CHAIRMAN

R-9-E



SAA 311-24-A

-- LEGEND --






-  CURRENT CORPORATE LIMITS
-  STERLING SERVICE AREA BOUNDARY
-  ORDINANCE 2024-02 ANNEXATION BOUNDARY
-  PROPOSED SERVICE AREA ADDITION
-  SECTION LINE

EXHIBIT A

OMAHA PUBLIC POWER DISTRICT
OMAHA, NEBRASKA

BY: [Signature]
TITLE: DIRECTOR - CUSTOMER SERVICE
DATE: 9-23-2024

APPROVED BY:

VILLAGE OF STERLING
STERLING, NEBRASKA

BY: [Signature]
TITLE: STERLING CHAIRMAN
DATE: 8/26/24

NEBRASKA PUBLIC POWER DISTRICT
COLUMBUS, NEBRASKA

BY: [Signature]
TITLE: VP Customer Services and External Affairs & COO
DATE: 9/25/24

SIGNIFICANT NUMBER	446542		1353		5141	
GROUP	1	2	3	4	5	6

STERLING, NEBRASKA SERVICE AREA MAP

Drawn:	Drawn Date:
MTK	05/06/24
Checked:	Checked Date:
RJS	06/13/24
Approved:	Approved Date:
CBE	07/12/24



460030266

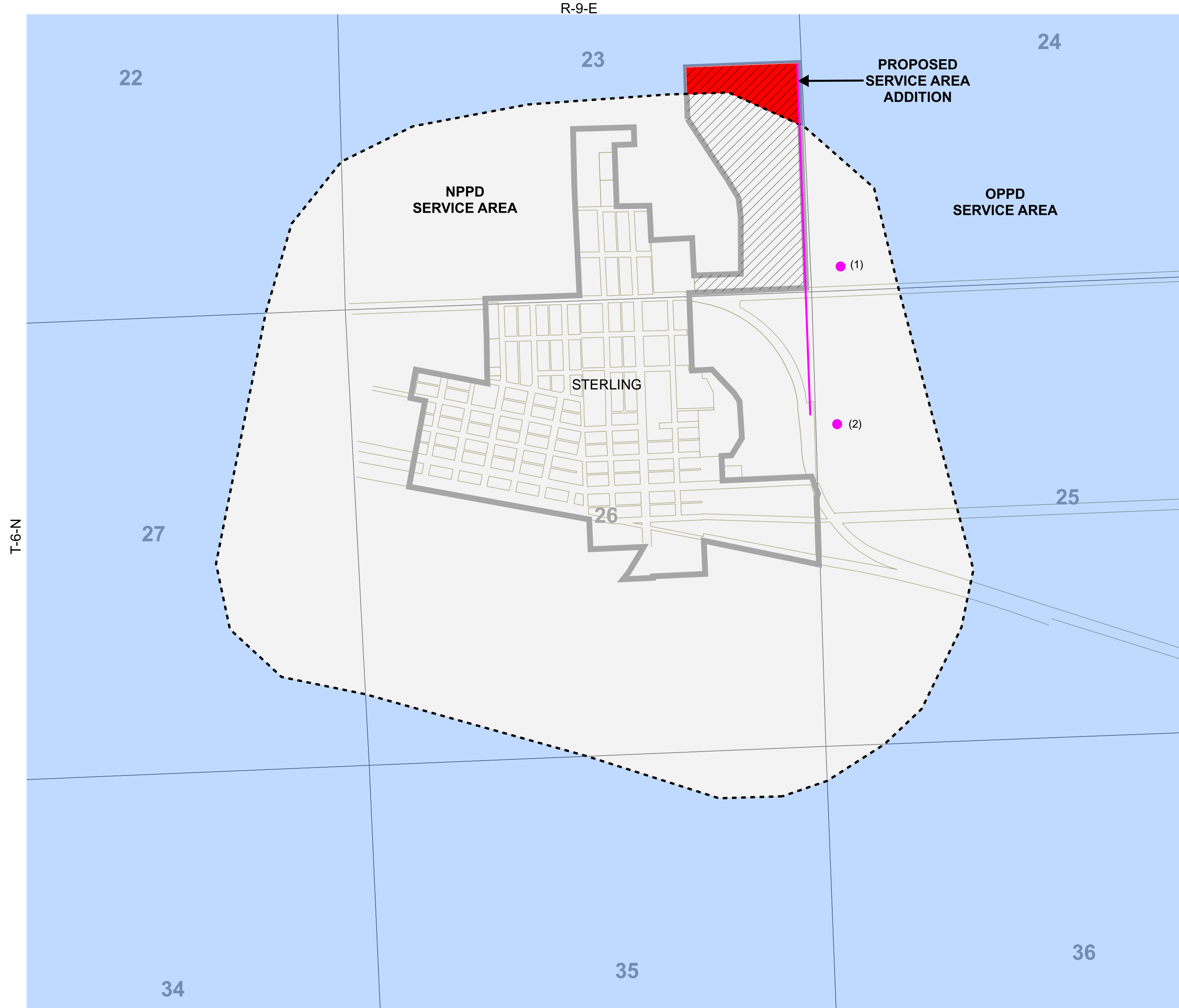
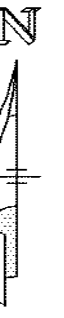
SAA 311-24-A

EXHIBIT "B"

A tract of land located in the East One-Half of the Southeast One-Quarter of Section 23, Township 6 North, Range 9 East of the Sixth Principal Meridian, Johnson County, Nebraska, being more particularly described as follows:








Commencing at the East One-Quarter Corner of Section 23; Thence $N89^{\circ}27'33''W$ along the North line of said Southeast One-Quarter a distance of 33.00 feet to the Point of Beginning, Thence $N89^{\circ}27'33''W$ and along the North line of said Southeast One-Quarter a distance of 1300.89 feet to the Northwest Corner of the East One-Half of said Southeast One-Quarter; Thence $S00^{\circ}37'16''W$ and along the West line of the East One-Half of said Southeast One-Quarter to the northern boundary of the existing service area between Omaha public Power District and Nebraska Public Power District; Thence easterly along the northern boundary of said existing service area to a point 33 feet Westerly of the East line of said Southeast One-Quarter; Thence, $N00^{\circ}35'49''E$ parallel with and 33.00 feet Westerly of the East line of said Southeast One-Quarter to the point of beginning.

EXHIBIT C



SAA 311-24-A

-- LEGEND --

-  CURRENT CORPORATE LIMITS
-  STERLING SERVICE AREA BOUNDARY
-  ORDINANCE 2024-02 ANNEXATION BOUNDARY
-  PROPOSED SERVICE AREA ADDITION
-  SECTION LINE
-  TRANSFERRED FACILITIES
-  CUSTOMERS TO BE SERVED BY NPPD

OPPD WILL ACCEPT 2.5 TIMES THE REVENUE AND TRANSFER OWNERSHIP OF THE FACILITIES TO NPPD.

TRANSFERRED CUSTOMERS:

(1) EDDIE EHMEN
73574 607 AVE.
STERLING NE 68443-8637
(S24 T6N-R9E)

(2) ASHLEY R & SEAN R MOSS
73372 611 AVE.
STERLING NE 68443-8607
(S25 T6N-R9E)

EXHIBIT D

ORDINANCE NO. 2024-02

SAA 311-24-A

A REVISED ORDINANCE OF THE BOARD OF TRUSTEES OF THE VILLAGE OF STERLING, NEBRASKA TO ANNEX AND INCLUDE WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF STERLING, NEBRASKA TWO (2) SEPARATE TRACTS OF REAL ESTATE LOCATED IN THE EAST HALF OF THE SOUTHEAST QUARTER (E ½ SE ¼), OF SECTION 23, TOWNSHIP 6 NORTH, RANGE 9 EAST OF THE 6TH P.M., JOHNSON COUNTY, NEBRASKA

WHEREAS, the following described real estate, to-wit:

A tract of land located in the East One-Half of the Southeast One-Quarter of Section 23, Township 6 North, Range 9 East of the Sixth Principal Meridian, Johnson County, Nebraska, being more particularly described as follows:

Commencing at the East One-Quarter Corner of Section 23; Thence N 89°27'33" W along the North line of said Southeast One-Quarter a distance of 33.00 feet to the Point of Beginning, Thence N 89°27'33" W and along the North line of said Southeast One-Quarter a distance of 1300.89 feet to the Northwest Corner of the East One-Half of said Southeast One-Quarter; Thence S 00°37'16" W and along the West line of the East One-Half of said Southeast One-Quarter a distance of 600.54 feet; Thence S 30°37'40" E a distance of 850.30 feet; Thence S 28°07'15" E a distance of 238.84 feet; Thence S 03°54'43" E a distance of 222.29 feet; Thence S 02°38'02" W a distance of 849.62 feet to a point 33 feet Northerly of the South line of said Southeast One-Quarter; Thence S 89°29'14" E parallel with and 33.00 feet Northerly of the South line of said Southeast One-Quarter a distance of 758.31 feet to a point 33' Westerly of the East line of said Southeast One-Quarter; Thence, N 00°35'49" E parallel with and 33.00 feet Westerly of the East line of said Southeast One-Quarter a distance of 2607.98 feet to the Point of Beginning, containing 58.08 acres.

AND

A tract of land located in the East One-Half of the Southeast One-Quarter of Section 23, Township 6 North, Range 9 East of the Sixth Principal Meridian, Johnson County, Nebraska, being more particularly described as follows:

Commencing at the Southwest corner of the East One-Half of said Southeast One-Quarter; thence N 00°37'18" E and along the West line of the East One-Half of said Southeast One-Quarter a distance of 33.00 feet to the Point of Beginning, thence N 00°37'18" E and along the West line of the East One-Half of said Southeast One-Quarter a distance of 200.00 feet; thence S 89°29'14" E a distance of 550.73 feet; thence S 03°00'50" W a distance of 200.14 feet; thence N 89°29'14" W a distance of 543.70 feet to the Point of Beginning.

is contiguous and adjacent to the corporate limits of the Village of Sterling, Nebraska; and

WHEREAS, the above-described real estate will receive material benefits and advantages from annexation by the Village of Sterling, Nebraska; and

WHEREAS, the above-described real estate is urban or suburban in character and is not agricultural lands which are rural in character.

NOW THEREFORE BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Sterling, Nebraska, as follows:

Section 1. That the real estate hereinbefore described be, and the same is hereby annexed and included within the boundaries and territory of the Village of Sterling, Nebraska, and said lands and the persons residing thereon shall hereafter be subject to all the rules, regulations, ordinances, taxes and all other burdens and benefits of other persons and territory included within the Village of Sterling, Nebraska.

Section 2. That any ordinance or section passed and approved prior to the passage, approval and publication or posting of this Ordinance and in conflict with its provisions is hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force from and after its passage approval and publication or posting as required by law.

PASSED AND APPROVED this 12 day of March, 2024.

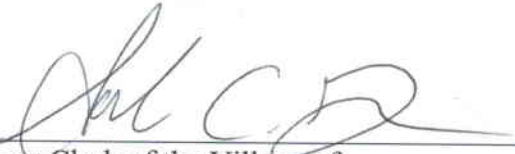
ATTEST:


Village Clerk


Chairman of the Board of Trustees
of the Village of Sterling, Nebraska

CERTIFICATE

The undersigned, being the Village Clerk for the Village of Sterling, Nebraska, hereby certifies that the above and foregoing Ordinance No. 2024-02 was duly passed and approved by the Village Board of Trustees for the Village of Sterling, Nebraska, and that said Ordinance was posted on March 13, 2024 in at least three (3) of the most public places in the Village of Sterling, Nebraska, immediately following passage pursuant to Nebraska law.



Village Clerk of the Village of
Sterling, Nebraska

SAA 311-24-A

EXHIBIT E

RESOLUTION NO. 2024-02

WHEREAS, on March 12, 2024, the Village of Sterling passed and approved Ordinance No. 2024-02 including within the corporate boundaries of the Village of Sterling said property described as a tract of land located in the East One-Half of the Southeast One-Quarter of Section 23, Township 6 North, Range 9 East of the Sixth Principal Meridian, Johnson County, Nebraska, being more particularly described as follows: Commencing at the East One-Quarter Corner of Section 23; Thence N 89°27'33" W along the North line of said Southeast One-Quarter a distance of 33.00 feet to the Point of Beginning, Thence N 89°27'33" W and along the North line of said Southeast One-Quarter a distance of 1300.89 feet to the Northwest Corner of the East One-Half of said Southeast One-Quarter; Thence S 00°37'16" W and along the West line of the East One-Half of said Southeast One-Quarter a distance of 600.54 feet; Thence S 30°37'40" E a distance of 850.30 feet; Thence S 28°07'15" E a distance of 238.84 feet; Thence S 03°54'43" E a distance of 222.29 feet; Thence S 02°38'02" W a distance of 849.62 feet to a point 33 feet Northerly of the South line of said Southeast One-Quarter; Thence S 89°29'14" E parallel with and 33.00 feet Northerly of the South line of said Southeast One-Quarter a distance of 758.31 feet to a point 33' Westerly of the East line of said Southeast One-Quarter; Thence, N 00°35'49" E parallel with and 33.00 feet Westerly of the East line of said Southeast One-Quarter a distance of 2607.98 feet to the Point of Beginning, containing 58.08 acres. AND A tract of land located in the East One-Half of the Southeast One-Quarter of Section 23, Township 6 North, Range 9 East of the Sixth Principal Meridian, Johnson County, Nebraska, being more particularly described as follows: Commencing at the Southwest corner of the East One-Half of said Southeast One-Quarter; thence N 00°37'18" E and along the West line of the East One-Half of said Southeast One-Quarter a distance of 33.00 feet to the Point of Beginning, thence N 00°37'18" E and along the West line of the East One-Half of said Southeast One-Quarter a distance of 200.00 feet; thence S 89°29'14" E a distance of 550.73 feet; thence S 03°00'50" W a distance of 200.14 feet; thence N 89°29'14" W a distance of 543.70 feet to the Point of Beginning - is contiguous and adjacent to the corporate limits of the Village of Sterling, Nebraska; and

WHEREAS, the Nebraska Public Power District (NPPD) will apply to the Nebraska Power Review Board for an order amending its existing retail service area, which includes the Village of Sterling, to include the above described property into the corporate boundaries of the Village of Sterling, Nebraska; and

WHEREAS, the Village of Sterling has an interest in the outcome of such application by reason of its rights under the Professional Retail Operations Agreement with NPPD approved on April 1, 2022, pursuant to which NPPD operates and maintains the electric distribution system owned by the Village of Sterling; and

WHEREAS, it is determined by the Village Board that it would be desirable and in the best interests of the Village of Sterling to join with NPPD as a co-applicant to the Nebraska Power Review Board.


NOW, THEREFORE, BE IT RESOLVED by the Chairperson and the Board of Trustees of the Village of Sterling, Nebraska, that the Village of Sterling, Nebraska, be authorized to join with NPPD as a co-applicant to the Nebraska Power Review Board for an amendment to NPPD's retail service area which includes the Village to include the above described property into the corporate boundaries of the Village of Sterling, Nebraska in said retail service area.

BE IT FURTHER RESOLVED that the Chairperson be and is hereby authorized to execute on behalf of the Village of Sterling a joint application with NPPD to the Nebraska Power Review Board and to cooperate with NPPD in the prosecution of its application.

BE IT FURTHER RESOLVED that such joint application shall be prosecuted at the sole cost and expense of NPPD.

PASSED AND APPROVED THIS 11th DAY OF June, 2024

ATTEST:


Village Clerk


Chairperson of the Board of Trustees
of the Village of Sterling, Nebraska