

STATE OF NEBRASKA
NEBRASKA POWER REVIEW BOARD

Received
State of Nebraska
Power Review Board
Filed at 11:29 This 29
day of October 2021
By: Rebecca Hallgren
Title: Business Manager

IN THE MATTER OF THE PETITION) Charter Amendment 6
OF THE PERENNIAL PUBLIC POWER)
DISTRICT TO AMEND ITS CHARTER) **AMENDED PETITION TO AMEND
CHARTER**

Perennial Public Power District, Petitioner, by, and through its undersigned counsel, hereafter referred to as “the District” submits this Amended Petition and represents to the Nebraska Power Review Board as follows:

1. The District is a public power district organized and existing under NEB. REV. STAT. §§ 70-601 *et seq.*, with its principal place of business located in the City of York, York County, Nebraska.
2. The District is engaged in the business of public utility service, and is without the ability to levy taxes or issue general obligation bonds.
3. On October 19, 2021, at a regular meeting of the Board of Directors of the District held at its offices in York, York County, Nebraska, due and proper notice of said meeting having been given as provided by law, and five members of the Board being present, upon a vote of record the Board voted 5-0 (with one absent) to authorize a Petition be filed with the Power Review Board, in accordance with NEB. REV. STAT. § 70-662, containing the amendments as described herein. The reason for the adoption of the Charter Amendment is to modify the voting subdivisions in conformance with NEB. REV. STAT. §§70-604 & 612. The District’s Chartered Territory comprises, essentially, two counties—each of which is a voting subdivision. Two directors will be elected from each county and two will be elected at-large. A copy of said Resolution is attached hereto as Exhibit “A.”

4. This amendment does not alter the District's subdivisions boundaries as it will continue to maintain subdivisions along county lines. The District's population is at least 50% rural in nature. See Exhibit "B." This amendment is in the best interest, and in no way prejudices the customers served by either the District or those in the surrounding service areas. Therefore, the District has met the statutory requirements found in NEB. REV. STAT. §§ 70-604 and 70-612(1)(b). The proposed changes to the charter are set forth below.

VI. The board of directors of this District shall consist of six members. For the nomination and election of all of the Directors of this District, the District shall be divided into two subdivisions as follows: Subdivision One shall be composed and consist of the chartered territory ~~in~~ located within the Counties of York, Seward, and Hamilton, State of Nebraska; Subdivision Two shall be composed and consist of the chartered territory ~~in~~ located within the counties of Fillmore and Clay, State of Nebraska. ~~Two~~ Four members of the board of directors shall be nominated and elected from Subdivision One, and two members of the board of directors shall be nominated and elected from Subdivision Two. Two members of the board of directors shall be elected at-large from the entirety of the Chartered Territory list in Paragraph II above ("At-Large"). The board of directors shall be divided into two groups: the members of the first group, shall consist of ~~one~~ two directors elected from Subdivision ~~One and Two~~ and one director elected At-Large, shall hold office until their term expires in ~~2022~~ 2018; the members of the second group, consisting of one director elected from Subdivision One, and one director elected At-Large ~~from Subdivision Two~~ this group, shall hold office until their term expires in ~~2024~~ 2040; the members of the third group, consisting of one director elected from Subdivision

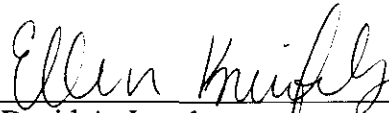
One and one director elected from Subdivision Two, ~~this group~~, shall hold office until their term expires in 2026~~2~~.

5. The Amendment set forth above will not be contrary to the best interests of the District, nor will it jeopardize or impair the rights of the creditors of the District, or of other persons. This Amendment is in the best interest of the electors and customers, providing customers more equal representation on the Board and should be approved.

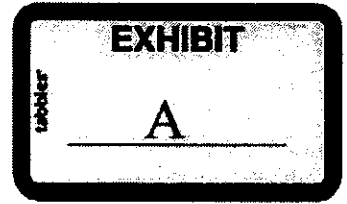
WHEREFORE, the District requests that the Nebraska Power Review Board publish the required notice and issue a Certificate approving Charter Amendment 6, and do all and further things required by or appropriate under the laws of the State of Nebraska.

Dated: October 27, 2021.

PERENNIAL PUBLIC POWER DISTRICT,
Petitioner,



David A. Jarecke
Nebraska Bar No. 20088
Ellen C. Kreifels
Nebraska Bar No. 25481
BLANKENAU WILMOTH JARECKE LLP
1023 Lincoln Mall, Suite 201
Lincoln, NE 68508-2817
T: (402) 475-7080
F: (402) 475-7085
dave@nebenergylaw.com
ellen@nebenergylaw.com



PERENNIAL PUBLIC POWER DISTRICT

RESOLUTION APPROVING CHARTER AMENDMENT #6

WHEREAS, The Board of Directors ("Board") of the Perennial Public Power District ("District") has reviewed the proposed Charter Amendment #6 at a Regular Meeting of said District held on October 19, 2021, said meeting having been advertised as required by Nebraska Statutes;

WHEREAS, the Board has deemed it to be in the best interest of its customers to redistrict its voting subdivisions, which will lead to a more equal representation on the Board.

NOW THEREFORE, BE IT RESOLVED, that the Board approves by a 5-0 (one absent) vote that the Charter Amendment #6, in the form set forth in the Petition to Amend #6, be presented to the Nebraska Power Review Board; and

BE IT FURTHER RESOLVED, it is appropriate to maintain the chartered territory in two subdivisions based on county lines pursuant to NEB. REV. STAT. §70-612, as the Board finds it will not result in any prejudices to the District's Customers and to elect two directors at-large from the entirety of the District's Chartered Territory; and

BE IT FURTHER RESOLVED, that the Board authorizes the General Manager and the District's legal representatives to make corrections to the Charter and/or Petition for Amendment as may be reasonably necessary to effectuate the intent of this resolution; and

BE IT FURTHER RESOLVED, all such changes made in the Charter Amendment #6 shall become effective immediately upon the Nebraska Power Review Board's confirmation and approval.

IN WITNESS WHEREOF, I have set my hand this 19 day of October 2021.

A handwritten signature in cursive script, appearing to read "Orle Friesen". The signature is written in black ink over a horizontal line.

Orle Friesen, President

EXHIBIT
B

tabbies

Populations are based on 2020 Census. Subdivisions are based on county lines and not populations.

Total Population is 7,805

