

GUIDANCE DOCUMENT NO. 9*

NOTICE CRITERIA FOR GENERATION APPLICATIONS

I. Purpose.

This policy is intended to document the Nebraska Power Review Board's (the Board) policy regarding what entities it deems to be "interested" for purposes of receiving written notice of an application to construct generation facilities. The policy is intended to provide a general outline of the criteria the Board uses when determining what entities receive notice. It is not intended as an exclusive list of the criteria or outline of the entities that the Board can consider.

II. Policy Applicability.

A. This policy applies to an application to construct a generation facility filed with the Board.

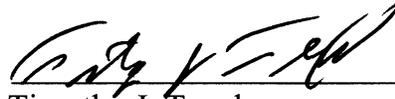
III. Determination of "Interested" Party and Receipt of Notice.

A. In general, when an application is filed with the Board for authority to construct a generation facility, a hearing date will be set and notice provided to the following entities:

1. All utilities within approximately fifty (50) miles of the project that own or operate commercial generation facilities.
2. The electric power supplier that holds the retail service area rights to the geographic territory where the facility will be located.
3. If the facility will interconnect to a transmission provider other than the applicant, notice will be provided to the transmission-owning utility.
4. If the application is filed under § 70-1014.02 (a certified renewable export facility), all consumer-owned utilities serving more than 50 MW load at the time of the filing.

* This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

5. Notice to the general public will be published in at least one local newspaper with general circulation in the area where the project will be located.
6. Any power suppliers of which the Board is aware that will have a capacity purchase agreement entitling it to a set portion of the facility's output.



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Approved at NPRB meeting on February 18, 2011.