

Nebraska's Simplifies Development Procedures for Private Renewable Electric Generation Facilities

On or after July 21, 2016, a privately developed renewable energy generation facility may commence construction of a facility within 30 days following notice and certification to the Nebraska Power Review Board (the "Board"). [Laws 2016, LB 824](#).

Under the new law, a facility must provide the Board the following information at least 30 days prior to commencing construction:

- Written notice of its intent to commence construction of a facility;
- Certification that the facility:
 - Meets the requirements for a privately developed renewable energy generation facility – the facility is privately-owned and generates electricity using renewables (solar, wind, geothermal, biomass, landfill gas, biogas);
 - Complies with any decommissioning requirements adopted by the local governmental entities with jurisdiction over the facility;
 - Has entered into a joint transmission development agreement with the electric supplier owning the transmission facilities to which the facility will interconnect; and
 - Consulted with the Game and Parks Commission to identify potential measures to avoid, minimize, and mitigate impacts to endangered species; and
- A copy of the facility's decommissioning plan. The plan must meet local decommissioning requirement of the local government entity with jurisdiction over the facility.
 - If a local government entity with jurisdiction over the facility has not enacted decommissioning requirements for the applicable jurisdiction, the plan must include:
 - An obligation to bear all costs of decommissioning, and
 - A requirement that the private electric supplier post a security bond no later than the tenth year following commercial operation to secure the costs of decommissioning the facility.

A **privately developed renewable energy generation facility** is a facility that:

- generates electricity using solar, wind, or other renewable resources;
- is developed, constructed, and owned, in whole or in part, by one or more private electric suppliers, and
- is not wholly owned by a governmental entity or entities.

A **private electric supplier** is a supplier producing electricity from a privately developed renewable energy generation facility that is not a governmental entity such as a public power district or municipality.

If you would like additional information on LB 824, please contact David Levy at dlevy@bairdholm.com or (402) 636-8310.