

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application     ) Application No. E-2160  
of South Central Public Power         )  
District, Nelson, seeking             )  
authority to construct, operate       ) GRANTED  
and maintain an electric             )  
transmission line in Webster         )  
County.                                 ) Entered: February 12, 2008

APPEARANCES:

For the Applicant:

Wayne Garrison  
Attorney for South Central Public Power District  
155 South Main Street, P.O. Box 385  
Nelson, NE 68961

For Burlington Northern Santa Fe Railroad:

Daniel R. Slaughter  
Wolfe, Snowden, Hurd, Luers & Ahl, LLP  
Suite 800, Wells Fargo Center  
1248 "O" Street  
Lincoln, NE 68508

For the Commission:

Nichole A. Underhill  
300 The Atrium  
1200 N Street  
Lincoln, NE 68508

BY THE COMMISSION:

On September 19, 2008, an application was filed with the Nebraska Public Service Commission ("Commission") by South Central Public Power District ("SCPPD" or "Applicant"), Nelson, Nebraska, seeking authority to construct, operate and maintain an electric transmission line in Webster County, having a voltage in excess of 700 volts. Applicant proposes to build 5 miles of 7,200/12,470 volt 3 phase distribution line, 4 wire overhead, 12.47 kv, Wye connected electric line in Webster County.

By letter dated September 25, 2007, SCPPD informed the Commission that they were unable to gain consent from all affected parties pursuant to Nebraska law<sup>1</sup> and Commission Rules and Regulations,<sup>2</sup> namely they were unable to gain consent from Burlington Northern Santa Fe Railroad ("BNSF"). At the request

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<sup>1</sup> Neb. Rev. Stat. § 75-710 et seq.

<sup>2</sup> See Nebraska Administrative Code Title 291, Chapter 7.

of SCPPD and BNSF the Commission delayed setting a hearing as the parties were near reaching agreement on the terms of the construction. On December 26, 2007, the Commission received a request from the Applicant to proceed with scheduling a hearing in the above-captioned docket, as SCPPD and BNSF were unable to reach agreement. A hearing on the application was held on January 29, 2008, in the Commission Hearing Room, Lincoln, Nebraska. Appearances at the hearing are indicated above. In support of its Application, SCPPD presented one witness at the hearing in Lincoln. BNSF presented no testimony or witnesses.

#### E V I D E N C E

SCPPD is a Public Power District, whose principal offices are located in Nelson, Nebraska. In his testimony, Craig Cox, the Operations Manager and Assistant Engineer of SCPPD, described how the construction of the proposed line meets all applicable National Electrical Safety Code ("NESC") requirements. Mr. Cox testified that the proposed construction is a 7200 volt 3 phase power line that would span the tracks. Mr. Cox further testified that no poles would be located on railroad property or in the railroad right-of-way. The crossing is proposed adjacent to a county road easement.

Mr. Cox testified concerning the provisions of the NESC dealing with pole placement, sag, temperature, clearance, and strength of loading and how the Applicant's proposed transmission line construction meets those requirements of the Safety Code. In support of the Application, Applicant offered into evidence Exhibit No. 4, the resume of Mr. Cox, Exhibit No. 5, a copy of correspondence regarding the proposed construction between SCPPD and BNSF, Exhibit Nos. 6, 7 and 8, all of which contained certain provisions of the NESC, and Exhibit No. 9, a copy of the signed consent form to the proposed construction from Glenwood Telephone.

#### O P I N I O N     A N D     F I N D I N G S

According to its application, SCPPD seeks approval from the Commission to construct, operate and maintain a high voltage transmission line in Webster County, Nebraska. Section 75-710 of the Nebraska Statutes sets forth the application requirements for approval of the construction of a high voltage transmission line.<sup>3</sup> The three requirements set for in Section 75-710 are: (1) a map or drawing showing the route of the proposed line and any existing electrical or communication lines or railroad signal lines within the respective distances described in this section, which drawing shall identify and give the names of the owners of such other lines, (2) specifications showing the manner of the

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<sup>3</sup> See Neb. Rev. Stat. § 75-710 (Reissue of 2003).

construction of the proposed line, and (3) such other information as the commission may prescribe.<sup>4</sup>

The Applicant has filed Route Map SCPPD 7-07A, attached as Exhibit A to the Applicant's application which was offered into evidence as Exhibit No. 1. The map shows the route of the proposed lines, the side of the roadway to be occupied and the location and ownership of all utilities which may be in conflict, crossed or paralleled by the proposed lines.

Applicant has further filed the Commission required documents concerning Specifications attached as Exhibit B to its Application, designated as Hearing Exhibit No. 1, which will govern this electric line construction. We find that the Specifications have sufficient details to portray the type and manner of the construction for the proposed lines.

Additionally, in the construction, operation and maintenance of the proposed electric transmission lines, Applicant has demonstrated that it will conform to the requirements of the latest edition of the National Electric Safety Code, the laws of the state of Nebraska and the Rules and Regulations of the Commission.

According to the Nebraska Department of Aeronautics, there are no licensed airports which will be affected by the construction and operation of the electric lines proposed by SCPPD. Further, the Nebraska Department of Aeronautics has filed a letter waiving objections to the proposed lines. The only utilities which may be affected by the construction and operation of the transmission line proposed herein are:

Burlington Northern Santa Fe Railroad, Fort Worth, Texas  
Glenwood Telephone Membership Corp., Blue Hill, Nebraska

The application filed by the Applicant included a signed consent document from Glenwood Telephone Membership Corp. Glenwood Telephone Membership Corp. did not put in an appearance at the January 29, 2008 hearing.

The Commission, having considered the filings in this matter and being fully advised in the premises, is of the opinion and finds that this application should be granted.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. E-2160 be granted and that South Central Public Power District, Nelson, Nebraska, be, and it is hereby, authorized to construct, operate and maintain the proposed electric transmission lines in Webster County, Nebraska,

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<sup>4</sup> Id.

in accordance with its application, Route Map (Exhibit A) and Specifications (Exhibit B), subject to the rules and regulations of this Commission and to the terms and conditions of the waivers filed with this application.

IT IS FURTHER ORDERED that an immediate supplemental application be made if it develops that the lines will not be built in their entirety in accordance with the Commission's order. A supplemental application is required for any and all changes in line routing, voltage and/or design.

IT IS FURTHER ORDERED that if the construction authorized in this order will not be entirely completed within 24 months of the date of this order, Applicant shall apply for an extension of time to complete the authorized construction showing good cause for such extension.

IT IS FURTHER ORDERED that a completion notice shall be filed with this Commission as soon as the proposed lines have been completed and are ready to be energized. With this completion notice, there should be a report of any lines authorized, which were not built.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of February, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

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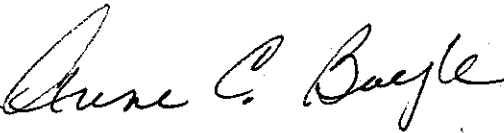
NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s// Anne C. Boyle  
//s// Frank E. Landis

Chair



ATTEST:



Executive Director