BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of Twin Valleys Public Power District, Cambridge, seeking authority to construct, operate and maintain an electric transmission line in Furnas County.	)	Application No. E-2156 GRANTED Entered: October 2, 2007

APPEARANCES:

For the Applicant:
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For Burlington Northern Santa Fe Railroad:
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For the Commission:
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BY THE COMMISSION:

On August 13, 2007, an application was filed with the Nebraska Public Service Commission ("Commission") by Twin Valleys Public Power District ("Twin Valleys" or "Applicant"), Cambridge, seeking authority to construct, operate and maintain an electric transmission line in Furnas County, having a voltage in excess of 700 volts. Applicant proposes to underbuild 1.13 miles, 3 phase, 3 wire overhead, 69 kv, Star connected electric line in Furnas County.

By letter dated August 13, 2007, Twin Valleys informed the Commission that they were unable to gain consent from all affected parties pursuant to Nebraska law[1] and Commission rules and regulations,[2] namely they were unable to gain consent from Burlington Northern Santa Fe Railroad ("BNSF"). A hearing on the application was held on September 19, 2007, in the

[1] Neb. Rev. Stat. § 75-710 et seq.
[2] See Nebraska Administrative Code Title 291, Chapter 7.

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Commission Hearing Room, Lincoln, Nebraska. Appearances at the hearing are indicated above. In support of its Application, Twin Valleys presented one witness at the hearing in Lincoln. BNSF presented no testimony or witnesses.

E V I D E N C E

Twin Valleys is a Public Power District, whose principal offices are located in Cambridge, Nebraska. In his testimony, James Dietz, the General Manager of Twin Valleys, described how the construction of the proposed line meets all applicable National Electrical Safety Code ("Safety Code") requirements. Mr. Dietz testified that the proposed construction is located east of the city of Cambridge and is replacing an existing line with a higher voltage line. Mr. Dietz further elaborated that the higher voltage line is required to meet the demands of a new ethanol plant that is being constructed in Cambridge, which the proposed line will serve. Mr. Dietz testified that the existing line is not sufficient to serve the load of the new demand.

Mr. Dietz testified concerning the provisions of the Safety Code dealing with pole placement, 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. 5, a letter from RVW, Inc., an engineering firm in Columbus.

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

According to its application, Twin Valleys seeks approval from the Commission to construct, operate and maintain a high voltage transmission line in Furnas 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.[3] The three requirements set forth 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 construction of the proposed line, and (3) such other information as the commission may prescribe.[4]

The Applicant has filed Route Map T-4-N, attached as Exhibit A to the Applicant's application which was offered into

[3] *See* Neb. Rev. Stat. § 75-710 (Reissue of 2003).
[4] Id.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. E-2156 be granted and that Twin Valleys Public Power District, Cambridge, Nebraska, be, and it is hereby, authorized to construct, operate and maintain the proposed electric transmission lines in Furnas County, Nebraska, 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 2nd day of October, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Anne C. Boyle

Tim Schram

//s// Rod Johnson
//s// Frank E. Landis

Chair Rod Johnson

ATTEST:

John Bender

Deputy Director

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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 Twin Valley's application and 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 Twin Valleys. 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
Cambridge Telephone Company, Cambridge, Nebraska
Kinder Morgan, Inc., Lakewood, Colorado
Level 3 Communications, Broomfield, Colorado
City of Cambridge, Cambridge, Nebraska

The application filed by the Applicant included signed consent documents from Level 3 Communications and the City of Cambridge. Kinder Morgan, Inc., submitted a letter that was offered into evidence as Exhibit No. 4. Kinder Morgan, Inc. did not object to the proposed transmission line construction by the Applicant and did not enter an appearance at the hearing on this application. Applicant did not receive a waiver from Cambridge Telephone Company and said entity did not enter an appearance at the hearing on this application.

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.

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