

## **GUIDANCE DOCUMENT NO. 16\***

### **POWER REVIEW BOARD JURISDICTION OVER MOBILE OR PORTABLE GENERATION SOURCES**

#### **I. Purpose**

This policy establishes the Nebraska Power Review Board's (the Board) interpretation of whether the Board has jurisdiction over mobile electric generation facilities or equipment used by utilities or private parties that intend to sell the electricity generated by the mobile generator to third parties. Under Neb. Rev. Stat. section 70-1012(1), any power supplier must obtain Power Review Board approval prior to constructing or acquiring a generation facility, unless otherwise exempted by State or federal law. The pertinent statutory language in Neb. Rev. Stat. section 70-1012 states "Before any electric generation facilities ... are constructed or acquired by any supplier, an application, filed with the board and containing such information as the board shall prescribe, shall be approved by the board . . . ." The statute provides exceptions to the general rule that are not applicable to situations involving mobile generation sources.

The Board believes that the purpose of a mobile generation unit is primarily for temporary supplemental power supply. They are often used in emergency situations, such as when transmission lines are removed from service due to damage from inclement weather, but the use of mobile generation sources are not limited to only emergency situations.

#### **II. Definitions**

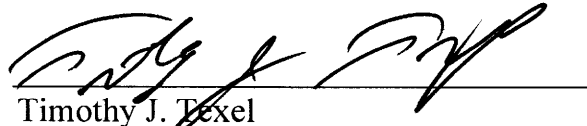
- a. Section 70-1012 refers to electric generation "facilities". The term is not defined in Chapter 70, article 10. The Board understands this term to mean generation equipment or unit constructed or installed in a manner intending to permanently place the equipment or unit in a fixed location at a designated site, normally associated with a building or structure. Although the equipment could be relocated, it is designed to remain in one location.

\* 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.

- b. The term “acquire”, as used in section 70-1012, is not defined in Chapter 70, article 10. The Board understands this term to mean when an electric power supplier obtains ownership rights in generation facilities that already exist. Generation equipment that is leased or rented is not considered “acquired” for purposes of section 70-1012.
- c. “Mobile” or “portable” generation equipment or facilities is equipment that is designed to be placed in one location temporarily, then moved to a new location, normally many times over the operating life of the equipment. The equipment may have a structure to protect it from weather or other hazards, but it is not designed to be permanently located inside one structure for the expected operating life of the equipment. The equipment may be designed to be placed inside or on a trailer type of structure with wheels, but is not required to be on wheels or on a vehicle to be considered “mobile”. Mobile generators can be owned, leased or rented by a power supplier.

### III. Power Review Board Jurisdiction Over Mobile Generation Sources and Substations

- a. The Board finds that mobile or portable generation equipment is operational in nature and the Legislature did not intend to include such equipment and units under the term “facilities” in Neb. Rev. Stat. section 70-1012.
- b. A power supplier is not required to obtain Power Review Board approval prior to owning, leasing, renting or operating a mobile or portable generation source, as defined in this Guidance Document.
- c. The Board finds that mobile or portable substations are “related facilities” under the language in Neb. Rev. Stat. section 70-1012 (1), and therefore a power supplier is not required to obtain Power Review Board approval prior to owning, leasing, renting or operating mobile or portable substations.

  
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Timothy J. Texel  
Executive Director and General Counsel

Approved at NPRB Board Meeting December 16, 2022.