

LOUP POWER DISTRICT
BOARD OF DIRECTORS
May 23, 2023

The regular meeting of the Board of Directors of the Loup River Public Power District was held at the Loup Power District Board Room, Columbus, Nebraska on May 23, 2023.

Notification of the meeting was published in the Columbus Telegram and on the Loup Power District website.

Director Heesacker presided as Chairman of the meeting and Assistant Secretary Angell Robak recorded the minutes.

Roll call showed:

Present: Tooley, Donoghue, Zach, Cerv, Langemeier, Aerni, Drozd, Heesacker

Absent: Fleming

Staff Present: Neal Suess, Korey Hobza, Walt Williams, Dan Hellbusch, Todd Duren, Amanda Henry

Absent: None

Others: None

Chairman Heesacker reminded everyone of the open meetings law and stipulated this meeting would be conducted according to the Nebraska open meetings law. Chairman Heesacker also stated he would be conducting the meeting based on Robert's Rules of Order.

Director Cerv made a motion to excuse the absence of Director Fleming. Director Zach seconded the motion and roll was called.

Aye: Tooley, Donoghue, Zach, Cerv, Langemeier, Aerni, Drozd, Heesacker

Nay: None

Absent: Fleming

The motion carried.

The minutes of the April 25, 2023 meeting were approved.

The following reports were presented to the Directors: the April 2023 Staff Operations Report – Exhibit 23-068; the April 2023 Bank Reconciliation Report – Exhibit 23-069; the April 2023 Vendor Payment Report – Exhibit 23-070. Additional reports presented to the Directors included various financial metrics of the District for April 2023 – Exhibit 23-071; selected financial information for April 2023 – Exhibit 23-072; NPPD's Board of Directors Board Meeting Agendas for the May 10-11, 2023 NPPD Board Meeting – Exhibit 23-073; and NPPD's RRC/PRAB/Customer Meeting Agenda and Presentations for the May 18, 2023 Meeting – Exhibit 23-074.

Executive Committee

A letter addressing District Water Issues is filed as Exhibit 23-075.

President/CEO Suess indicated that District management, along with the District's attorney, completed a working draft of the non-capacity amendment to the District's license, and sent it to the United States Fish and Wildlife Service (USFWS) and the Nebraska Game and Parks Commission (NGPC) for comment. Mr. Suess stated that management received comments from the USFWS last week, and the District's attorneys are pleased with their comments regarding this non-capacity amendment to the license. Mr. Suess added that the District's attorneys finalized the draft of the amendment and have sent it to FERC with the hope of having it filed by the end of this summer, and acted on by the end of 2023.

President/CEO Suess reiterated that the Nebraska Supreme Court/Court of Appeals granted the Objectors petition to bypass the Court of Appeals regarding the Interbasin Water Transfer Case between the Platte River Basin and the Republican River Basin. Mr. Suess noted that management will determine its next steps after a decision is received from the Nebraska Supreme Court.

President/CEO Suess indicated the District continues to hold in abeyance the Eighth Circuit Court of Appeals filing for review of the License Order, with the next filing expected to take place in early July 2023.

Regarding damage and repair from the mid-March 2019 storm event, President/CEO Suess indicated that the final design drawings were submitted to FERC for review of the overflow structure. Mr. Suess noted that the District has completed the final design and is waiting on the Federal Emergency Management Agency (FEMA) to agree that this project meets all requirements for funding before proceeding any further. Mr. Suess stated that once FEMA is onboard, the project will be bid out, with completion of the construction expected in late 2023 or early 2024.

Management and the Board discussed several items related to the District's hydroelectric license and other State of Nebraska water issues.

A letter regarding the Broadband Update is filed as Exhibit 23-076.

President/CEO Suess indicated that the District and Platte County are moving forward with the proposal from Stealth Broadband (Stealth) to bring high-speed broadband to rural areas of Platte County.

President/CEO Suess stated that Stealth submitted five grant applications within rural Platte County through the Nebraska Public Service Commission (NPSC) and the Nebraska Capital Projects Fund (CPF) program with the hope of leveraging the money from Platte County and obtaining additional funding for this broadband project: 1) unserved areas of Platte County North; 2) unserved areas of Platte County Central; 3) unserved areas of Platte County East; 4) underserved areas of Platte County North; and 5) underserved areas of Platte County South.

President/CEO Suess indicated that, after the grant applications were submitted by Stealth, other broadband companies filed challenges to these applications. Mr. Suess stated that Stealth has

been reviewing these challenges, and noted that Stealth feels positive about the unserved areas; however, the underserved areas will depend upon challenges to other applications.

President/CEO Suess reiterated that management worked with the National Rural Telecommunications Cooperative (NRTC) to perform a Smart Grid Technology Planning Study. Mr. Suess stated that the NRTC submitted its final presentation of this study to management in early May 2023, and added that management is working to have the NRTC provide this final report to the Board at the Board retreat in July. Mr. Suess provided the Board with a copy of the final roadmap as developed by the NRTC.

Management and the Board discussed various items related to the rural broadband issue.

Rates Committee

A letter regarding the 2021 Comparison of Revenue per Kilowatt Hour is filed as Exhibit 23-077.

President/CEO Suess provides this APPA report to the Board each year as APPA completes the compilation of this data. President/CEO Suess presented a table illustrating the 2021 comparison of revenue per kWh for residential, commercial, industrial, and overall classes of customers, which showed the District is still one of the lower-cost electric utilities in the state and the nation.

President/CEO Suess and the Board discussed different aspects of the APPA report.

Personnel, Safety, and Insurance Committee

The Payroll Changes are filed as Exhibit 23-078.

Support Services Committee

The Legislative Bill Watch letter is filed as Exhibit 23-079.

President/CEO Suess stated the 108th Legislature of the 2023 Nebraska Unicameral has completed day 83 of its long 90-day session, and this session is expected to end on June 9.

President/CEO Suess stated that this legislative session has slowed largely because filibusters are being carried out on every bill by two senators due to philosophic issues within the Unicameral. Mr. Suess added that the Unicameral must pass a budget bill before the end of the session. Mr. Suess noted that an approach used by the Unicameral to package a number of bills as amendments onto Committee priority bills has made it difficult to keep track of these bills.

Vice President Duren discussed with the Board various bills that are being tracked by the District as well as those closely watched by organizations of which the District is a member, including the Nebraska Power Association (NPA), the Nebraska Economic Development Association (NEDA), and the Columbus and State of Nebraska Chambers of Commerce.

Management and the Board discussed further items related to the 2023 Nebraska Unicameral session.

A letter regarding Payments Made to Communities is filed as Exhibit 23-080.

President/CEO Suess informed the Directors that in mid-May, the District made payments totaling \$1,704,164.13 to all twenty-two communities under a new Professional Retail Operations Agreement and Franchise with each community. Mr. Suess stated that these payments are made quarterly and are based on eleven percent of the adjusted inside revenue for each community.

Management and the Board discussed matters regarding these payments to communities.

At 10:12 A.M. the Board took a brief break and returned at 10:20 A.M.

At this time, Vice President of Accounting and Finance/CFO Williams presented his report to the Board, which included the financial report for April, filed as Exhibit 23-081. Reports to the Board were also presented by Vice President of Engineering Hobza, Vice President of Operations Hellbusch, Vice President of Corporate Services Duren and Human Resource Manager Henry.

The work order letter is filed as Exhibit 23-082.

Director Cerv made a motion to approve the work order letter as presented. Director Aerni seconded the motion.

President/CEO Suess discussed with the Board issues regarding the delivery timeline of the bucket truck replacement, and how vehicle replacements need to be handled in the future, which may include changes in how the budget is prepared.

The question was called.

Aye: Tooley, Donoghue, Zach, Cerv, Langemeier, Aerni, Drozd, Heesacker

Nay: None

Absent: Fleming

The motion carried.

President/CEO Suess stated that management, with assistance from NPPD, has been working with MIBA Industrial Bearings, Viridis Chemical and BD Medical over the past several years to help with developing their carbon-free usage for both 2021 and 2022.

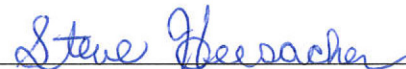
President/CEO Suess indicated that management was contacted by BD Medical regarding purchasing Renewable Energy Credits (REC's) from the Creston Ridge Wind Farm. Mr. Suess stated that a contract for the sale of these REC's is being developed, which is all a part of BD's corporate sustainable goals. Management and the Board discussed the pricing of these REC's.

The next regular Board meeting is set for June 27, 2023, at 9:00 A.M. at the General Office.

The APPA Annual Conference is set for June 16-21, 2023 in Seattle, WA.

The NPA Annual Conference is scheduled for August 22-23, 2023 in Kearney, NE.


Director Drozd made a motion to adjourn. Director Donoghue seconded the motion. The motion carried by voice vote.



Chairman of the Board



Assistant Secretary



Date