

LOUP POWER DISTRICT
BOARD OF DIRECTORS
September 26, 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 September 26, 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, Fleming, Cerv, Aerni, Drozd, Heesacker

Absent: None

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

Absent: None

Others: Dana Schultz

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.

President/CEO Suess welcomed Mr. Schultz to the meeting.

The minutes of the August 29, 2023 meeting were approved.

The following reports were presented to the Directors: the August 2023 Staff Operations Report – Exhibit 23-132; the August 2023 Bank Reconciliation Report – Exhibit 23-133; the August 2023 Vendor Payment Report – Exhibit 23-134. Additional reports presented to the Directors included various financial metrics of the District for August 2023 – Exhibit 23-135; selected financial information for August 2023 – Exhibit 23-136; and NPPD's Board of Directors Board Meeting Agendas for the September 13-14, 2023 NPPD Board Meeting – Exhibit 23-137.

Executive Committee

A letter addressing District Water Issues is filed as Exhibit 23-138.

President/CEO Suess indicated that the District is working to finalize a non-capacity license amendment to be filed with the Federal Energy Regulatory Commission (FERC). Mr. Suess stated 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 added that management received comments from the USFWS, and these comments were incorporated into the amendment, which was sent to FERC staff for their review and comment. Mr. Suess noted that, after review, FERC staff stated that a water quality

certificate and an assessment on how the proposed changes in the non-capacity license agreement would affect threatened and endangered species would be needed. Mr. Suess noted that these studies are expected to be completed by the end of November and then submitted to FERC Staff for approval, with the final application filing with the Commission expected to take place in early 2024.

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 the Nebraska Supreme Court heard this case on August 29, 2023, and District management is waiting on the Nebraska Supreme Court's decision before deciding its next steps.

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 November 2023.

President/CEO Suess indicated that, after sending letters to its congressional delegates regarding collecting money from the Federal Emergency Management Agency (FEMA) related to the mid-March 2019 storm event, Representative Mike Flood's office is taking the lead on contacting FEMA to determine where they are in the process of releasing funds to the District.

President/CEO Suess stated that District management was informed by FEMA that only immediate funding needs will be addressed. Mr. Suess noted that other projects will be funded, but it may take additional time to get the money.

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 is waiting on FEMA/NEMA to approve this project before moving forward.

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 23-139.

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

President/CEO Suess reiterated that Stealth was awarded \$7,509,440 from the Nebraska Capital Projects Fund (CPF) program, and along with the \$1,000,000 from Platte County, as well as Stealth investing \$1,192,465, the total cost of the project was \$9,701,905. Mr. Suess stated that 656 households in Platte County will be able to be served by Stealth, and Stealth will be able to add 294 miles of broadband to their network.

President/CEO Suess stated that Stealth is in the process of doing the engineering for this project, and the engineering is expected to be completed in late October or early November. Mr. Suess added that Stealth will then begin construction, weather permitting, noting that Stealth has 18 months to complete the project.

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 management is working to develop a team internally to determine its next steps in implementing the recommendations included in this study.

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

A letter regarding the 2023 Nebraska Power Association Load and Capability Report is filed as Exhibit 23-140.

President/CEO Suess provided the Board with the completed 2023 Nebraska Power Association (NPA) Load and Capability Report, which is required to be filed with the Nebraska Power Review Board annually. This report regards the status of future electrical loads and resources of the entire state over the next 20 years. Within the report, the statewide forecast projects a statewide non-coincident peak (NCP) compounded annual growth rate of 1.5 percent which is up from last year's 0.4 percent. Within the state of Nebraska, there are 7,688 MW of existing creditable generating resource capacity, 649 MW of committed resources, no planned resources, and 2,013 MW of studied resources. President/CEO Suess informed the Board that, with the existing and committed resources, a deficit is expected in 2027; however, with committed, planned and studied resources, a deficit is not expected until the year 2038. Mr. Suess noted that there is also some concern with aging units.

Management and the Board discussed details contained in the NPA report.

Rates Committee

A letter regarding Discussion on the NPPD Wholesale Power Contract is filed as Exhibit 23-141.

President/CEO Suess indicated that the current 2016 Wholesale Power Contract (2016 WPC) with NPPD is a 20-year contract that began on January 1, 2016, and contained certain extension provisions. Mr. Suess stated that NPPD is possibly going to look at negotiating new contracts with its wholesale customers.

President/CEO Suess temporarily tabled this discussion on the NPPD Wholesale Power Contract in order to hold the Public Utility Regulatory Policy Act (PURPA) Public Hearings scheduled for 10:00 A.M.

At 10:00 A.M., Board Chairman Heesacker called to order a public hearing for each of the two new rate standards: 1) Demand Response Practices, and 2) Electric Vehicle Charging Programs.

A letter regarding the PURPA Public Hearings to discuss Two New Standards is filed as Exhibit 23-142.

During the hearing for the Demand Response Practices standard, President/CEO Suess presented data and information regarding this standard, and the public was able to have their comments heard. No one from the public was present at this hearing.

During the hearing for the Electric Vehicle Charging Programs standard, President/CEO Suess presented data and information regarding this standard, and the public was able to have their comments heard. No one from the public was present at this hearing.

Management and the Board discussed information presented by President/CEO Suess during each of the public hearings regarding the two new PURPA standards.

President/CEO Suess indicated that management will, based on the input received at the public hearings and in discussion with the Board, determine its final standards and present a resolution for each of these two new PURPA standards for adoption at the October Board meeting.

The PURPA Public Hearings were called to a close by Board Chairman Heesacker at 10:30 A.M.

Management and the Board resumed their discussion regarding the NPPD Wholesale Power Contract.

President/CEO Suess stated that District management will have a meeting with NPPD in October 2023 to discuss what the District would require to be included in a new wholesale power contract. Mr. Suess detailed the current items included in the 2016 WPC, and discussed with the Board their thoughts on what should be included in a new wholesale power contract with NPPD.

Personnel, Safety, and Insurance Committee

The Payroll Changes are filed as Exhibit 23-143.

President/CEO Suess recommended that the Personnel, Safety, and Insurance Committee meet on Tuesday, October 17, 2023, at 9:00 A.M. in the Board room to discuss the wage proposal for 2024.

At 10:50 A.M. the Board took a brief break and returned at 11:00 A.M.

Dana Schultz exited the meeting at 11:00 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 August, filed as Exhibit 23-144. 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 23-145.


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

Aye: Tooley, Donoghue, Zach, Fleming, Cerv, Aerni, Drozd, Heesacker
Nay: None
Absent: None
The motion carried.

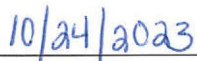
The next regular Board meeting is set for October 24, 2023, at 9:00 A.M. at the General Office.

Taste of Columbus is set for Sunday, October 8, 2023 at the Ramada Inn in Columbus.

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



Chairman of the Board



Date



Assistant Secretary