

**OPPD Board of Directors – All Committees Meeting**

**Tuesday, September 15, 2020**

**CLOSED SESSION 8:15 A.M. – PUBLIC SESSION 10:00 A.M.**

*Public may attend by going to [www.oppd.com/CommitteeAgenda](http://www.oppd.com/CommitteeAgenda) to access the Webex meeting link and view instructions.*

<u>TOPIC</u>	<u>TYPE</u>	<u>PRESENTER</u>	<u>TIME*</u>
1. <b>Chair Opening Statement</b>		Moody	<b>8:15 A.M.</b>
2. <b>Closed Session</b>			
Enterprise Risk Management Quarterly Update	Reporting (Closed)	Focht	45 min
Corporate Officer Performance Review – Vice President Troy Via	Reporting (Closed)	Burke	30 min
<b>BREAK</b>			<b>9:30 A.M.</b>
<i>Open Webex Meeting to Allow Public to Join</i>			<b>9:45 A.M.</b>
3. <b>Public Session – Chair Opening Statement</b>		Moody	<b>10:00 A.M.</b>
4. <b>Safety Briefing</b>		Burke	<b>10:05 A.M.</b>
5. <b>Finance</b>			<b>10:10 A.M.</b>
Finance Chair Report (9/4/20)	Reporting	Bogner	10 min
6. <b>System Management &amp; Nuclear Oversight</b>			<b>10:20 A.M.</b>
SM&NO Chair Report (9/3/20)	Reporting	Mollhoff	5 min
Nebraska City Station Unit 2 Cooling Tower Fill Replacement – Contract Award	Action	Fisher	10 min
Nuclear Oversight Committee Report	Reporting	Fisher	10 min
SD-7: Environmental Stewardship Monitoring Report	Action	Fisher	60 min
<b>BREAK FOR LUNCH</b>			<b>11:45 P.M.</b>
7. <b>Public Information</b>			<b>12:15 P.M.</b>
Public Information Chair Report (9/8/20)	Reporting	Yoder	10 min
Legislative Resolution	Discussion	Yoder	20 min
Legislative and Regulatory Update	Reporting	Olson	15 min
Customer Trends Update	Reporting	Comstock	30 min
<b>BREAK</b>			<b>1:30 P.M.</b>
8. <b>Governance</b>			<b>1:45 P.M.</b>
Governance Chair Report (9/10/20)	Reporting	McGuire	20 min
Revisions to Board Policies GP-4: Agenda Planning and BL-7: Delegation to the President and CEO	Action	Focht	10 min
SD-10: Ethics Monitoring Report	Action	Sedky	30 min
9. <b>Other Business</b>			<b>2:45 P.M.</b>
Confirmation of Board Meeting Agenda	Action	Moody	5 min
Power with Purpose Update	Reporting	Fisher	60 min

\* Please note all times and duration are estimates. Please use the link below to find all committee and board agendas, materials and schedules. Board governance policies and contact information for the board and senior management team also can be found at [www.oppd.com/BoardMeetings](http://www.oppd.com/BoardMeetings).



## Pre-Committee Agenda

FINANCE PRE-COMMITTEE MEETING  
WEBEX VIDEOCONFERENCE  
September 4, 2020 8:00 AM – 9:00 AM

1. Block Rate Project Update (10 min)
  - a. Objective: Review action plan towards elimination of declining block rates for Rate 110 by December 2021.
2. 2020 Financial Projections (15 min)
  - a. Objective: Review OPPD's year-to-date financial results and remaining forecast for year-end.
3. Rates Blueprint (30 min)
  - a. Objective: High-level discussion on rate design activity to align expectations. Not designed to discuss specific rate actions.
4. Retirement Fund Meeting Debrief (5 min)
  - a. Objective: Discuss highlights of the Retirement Fund meeting held on August 18, 2020.
5. Summary of Committee Direction (2 min)
  - a. Objective: Senior management team liaison(s) to summarize direction provided by the committee.



## Pre-Committee Agenda

SYSTEM MANAGEMENT & NUCLEAR OVERSIGHT  
PRE-COMMITTEE MEETING  
WEBEX VIDEOCONFERENCE  
September 3, 2020 4:00 – 5:30 P.M.

1. SD-7: Environmental Stewardship Monitoring Report (60 min)
  - a. Objective: Review and discuss draft monitoring report and determine recommendation for the Board regarding approval
2. Power with Purpose Update (30 min)
  - a. Objective: Provide an update on Power with Purpose project
3. Summary of Committee Direction (2 min)
  - a. Objective: Senior management team liaison(s) to summarize direction provided by the committee



# Board Action

**BOARD OF DIRECTORS**

September 15, 2020

ITEM

Nebraska City Station Unit 2 Cooling Tower Fill and Drift Layer Replacement

PURPOSE

Provide procurement, removal, and installation of the cooling tower fill and drift layers for the Nebraska City Station Unit 2 cooling tower.

FACTS

- a. The fill and drift layers of the Nebraska City Station Unit 2 cooling tower have been evaluated and should be replaced to maintain unit reliability.
- b. The District requested bids for the procurement, removal, and installation of replacement materials. Four bids were received with all bidders providing alternate material options. One bid was determined to be legally non-responsive and technically unacceptable.
- c. The cooling tower fill and drift layer materials are long lead delivery items. Replacement activities will be performed in the spring of 2021 during a scheduled unit outage.

ACTION

Authorization by the Board of Directors to award a contract to Amertech Tower Services for the procurement, removal, and installation of fill and drift layer materials for the Nebraska City Station Unit 2 cooling tower.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

/s/ Mary J. Fisher  
 Mary J. Fisher  
 Vice President – Energy Production and  
 Nuclear Decommissioning

/s/ Timothy J. Burke  
 Timothy J. Burke  
 President and CEO

SAE:

- Attachments: Letter of Recommendation  
 Tabulation of Bids  
 Legal Opinion  
 Resolution



# MEMORANDUM

**DATE:** August 28, 2020

EPND-2020-21

**FROM:** S. A. Eidem

**TO:** M. J. Fisher

**SUBJECT:** Request for Proposal No. 5776  
Nebraska City Unit 2 Cooling Tower Fill and Drift Layer Replacement  
EC 70483

1.00 GENERAL

Request for Proposal No. 5776 is for the procurement, removal, and installation contract to replace the Cooling Tower Fill and Drift Layer for Nebraska City Unit 2 (NC2). This work is planned to be performed during a scheduled unit outage in the spring of 2021.

The existing fill and drift eliminator layers have started to degrade due to age. The estimated lifespan of cooling tower fill is 10 years. The NC2 cooling tower has the original fill that is ~12 years old. Testing in 2019 showed the fill material is brittle and needs to be replaced. Brittle fill material can break away, which then causes plugging in the condenser. This loss of fill material combined with microbiological growth reduces thermal performance of the cooling tower and can challenge efficient operation of the unit.

Four proposals were submitted and opened in response to the RFP on August 12, 2020 and the base bids are tabulated as follows:

COMPANY	COST
AMERTECH TOWER SERVICES	\$1,834,910
COOLING TOWER DEPOT	\$1,916,582
EVAPTECH	\$2,216,352
SPX COOLING TECHNOLOGIES	\$2,167,029

Alternate bid offerings were submitted as follows:

COMPANY	OPTION	DESCRIPTION	COST
AMERTECH TOWER SERVICES	ALT 1	Alternate fill material (5.5' Brentwood Shockwave)	\$1,997,341
COOLING TOWER DEPOT	ALT 1	Alternate fill material (5' Brentwood Shockwave)	\$1,837,375

<b>EVAPTECH</b>	ALT 1	Alternate fill material (4' EvapTech TechClean 312)	\$1,644,945
<b>EVAPTECH</b>	ALT 2	Alternate fill material (5' EvapTech TechClean 312)	\$1,850,688
<b>SPX COOLING TECHNOLOGIES</b>	ALT 1	Alternate fill material (4' MC75) and alternate drift eliminator (Marley XCELplus)	\$1,984,115

The alternate fill and drift eliminator material proposal options were not considered due to potential air permit impacts.

Amertech's bid included schedule provisions to replace the fill and drift material in four cells pre-outage. This provision was removed at no additional cost after bid opening with all cooling tower fill and drift material replacement activities to be performed during the scheduled unit outage to reduce impact to the unit while in operation.

Evaptech's bids were reduced to \$2,144,555, \$1,600,275, and \$1,797,125, respectively, since the State of Nebraska Sales Taxes will be paid by the District for material procured under this contract.

The Engineer's Estimate for the base bid at the time of the bid opening was \$3,000,000.

## 2.00 COMPLIANCE WITH CONTRACT TERMS AND CONDITIONS

The proposals were referred to the District's legal counsel for review. The proposal from SPX Cooling Technologies determined to be legally non-responsive.

## 3.00 COMPLIANCE WITH TECHNICAL REQUIREMENTS

The proposals were reviewed for technical compliance. The proposal from SPX Cooling Technologies was determined to be technically unacceptable due to the proposed change in drift eliminator material. The proposal from Cooling Tower Depot was evaluated to be lesser value to the District due to the additional cost risk for heavier fill packs and the associated replacement timeframe risk. The base bids from Amertech Tower Services and EvapTech, Inc. were reviewed and determined to be technically acceptable.



## 4.00 RECOMMENDATION

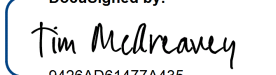
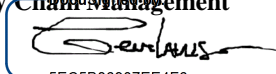
Based on compliance with legal and technical requirements of this specification, it is recommended that Request for Proposal No. 5776 be awarded to Amertech Tower Services for \$1,834,910.

*Scott A. Eidem*

S. A. Eidem, P.E.  
Director, Engineering Services –  
Energy Production and Nuclear Decommissioning

C: R. Stohlmann  
K. Jacobsen

<p align="center"><b>TABULATION OF BIDS</b>                  Opened at 2:00 p.m., C.D.T., Wednesday,                  August 12, 2020, in Omaha, Nebraska</p>		<p align="center"><b>REQUEST FOR PROPOSAL NO. 5776</b></p> <p align="center"><b>Nebraska City Station Unit 2 Cooling Tower Fill and                  Drift Layer Replacement</b></p>			<p align="right">DocuSigned by:                    9426AD61477A435...  <b>Director</b>                  Supply Chain Management</p>	
<p align="center">Anticipated Award Date                  September 17, 2020</p>					<p align="right">DocuSigned by:                    5EC5B86907EE4E6                  Compiled by and Certified Correct</p>	
<p align="center"><b>ENGINEER'S ESTIMATE</b></p> <p align="center"><u><b>\$3,000,000.00</b></u></p>						
<p align="center"><b>BID ITEM</b></p>		<b>BIDDER'S NAME &amp; ADDRESS</b>				
		<p align="center">AmertechTower Services LLC                  149 Avenue at the Commons, Suite 3                  Shrewsbury, NJ 07702</p>	<p align="center">Cooling Tower Depot Inc.                  651 Corporate Cir Ste 206                  Golden, CO 80401</p>	<p align="center">SPX Cooling Technologies, Inc.                  7401 W. 129th Street                  Overland Park, KS 66213</p>		
		<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>	<b>SUPPLIER'S BID</b>		
1.	<p><u>Proposal Price(S)</u></p> <p>Lump Sum Firm Total price</p>	<p><u><b>\$1,834,910.00</b></u></p>	<p><u><b>\$1,916,582.00</b></u></p>	<p><u><b>\$2,167,029.00</b></u></p>		
2.	<p><u>Delivery Guarantee(s)</u></p> <p>Design Completion : October 30 , 2020</p> <p>Purchase of Materials: December 18 , 2020</p> <p>Final Installation Completion : March 23 , 2021</p>	<p><u>Guaranteed Date</u></p> <p><u>October 30, 2020</u></p> <p><u>December 18, 2020</u></p> <p><u>March 23, 2021</u></p>	<p><u>Guaranteed Date</u></p> <p><u>October 30, 2020</u></p> <p><u>December 18, 2020</u></p> <p><u>March 23, 2021</u></p>	<p><u>Guaranteed Date</u></p> <p><u>October 30, 2020</u></p> <p><u>December 18, 2020</u></p> <p><u>March 23, 2021</u></p>		

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<p>Anticipated Award Date                  September 17, 2020</p>				
<p><b>ENGINEER'S ESTIMATE</b></p> <p><u>\$3,000,000.00</u></p>				
<p><b>BID ITEM</b></p>	<p><b>BIDDER'S NAME &amp; ADDRESS</b></p>			
	<p>EvapTech, Inc                  2644 S. 96th Street                  Edwardsville, KS 66111</p>			
	<p><b>SUPPLIER'S BID</b></p>	<p><b>SUPPLIER'S BID</b></p>	<p><b>SUPPLIER'S BID</b></p>	
<p>1. <u>Proposal Price(S)</u></p> <p>Lump Sum Firm Total price</p>	<p><u>\$2,216,352.00</u></p>	<p>_____</p>	<p>_____</p>	
<p>2. <u>Delivery Guarantee(s)</u></p> <p>Design Completion : October 30 , 2020</p> <p>Purchase of Materials: December 18 , 2020</p> <p>Final Installation Completion : March 23 , 2021</p>	<p><u>Guaranteed Date</u></p> <p><u>October 30, 2020</u></p> <p><u>December 18, 2020</u></p> <p><u>March 23, 2021</u></p>	<p><u>Guaranteed Date</u></p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><u>Guaranteed Date</u></p> <p>_____</p> <p>_____</p> <p>_____</p>	



# FRASER STRYKER

PC LLO

LAWYERS

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409 SOUTH 17TH STREET  
OMAHA, NEBRASKA 68102-2663  
TELEPHONE 402.341.6000  
FAX 402.341.8290  
WWW.FRASERSTRYKER.COM

STEPHEN M. BRUCKNER  
DIRECT DIAL: 402.978.5225  
SBRUCKNER@FRASERSTRYKER.COM

August 17, 2020

Omaha Public Power District  
444 South 16<sup>th</sup> Street  
Omaha, NE 68102

RE: Request for Proposal No. 5776 – NC2 Cooling Tower Fill and Drift Layer  
Replacement ("RFP No. 5776")

Ladies and Gentlemen:

We have reviewed the four (4) proposals received in response to RFP No. 5776 and provide the following legal opinion.

The proposal of Amertech Tower Services LLC includes an alternate bid proposal for evaluation by the District. The Amertech proposal also includes technical clarifications for the District's evaluation.

The proposal of EvapTech, Inc. includes an alternate bid for the District's evaluation. The EvapTech proposal also bases its schedule on the date of receipt of a purchase order from OPPD; thus, OPPD will need to evaluate the EvapTech schedule to determine if it meets OPPD's needs. The EvapTech proposal submits different payment terms for the District's evaluation and also includes a commercial exception by which it proposes to limit its liability to the contract value. That exception does not render the EvapTech proposal materially nonresponsive, but it is subject to the District's economic and risk evaluation.

OPPD should review the proposal of Cooling Tower Depot, Inc. to assure that this bidder has acknowledged receipt of any RFP addenda issued prior to the bid opening. Cooling Tower Depot also proposes alternate liquidated damages which are subject to the District's evaluation. Finally, the Cooling Tower Depot proposal includes technical exceptions and clarifications that must be evaluated by the District.

The proposal of SPX Cooling Tech, Inc. states that it proposes to utilize a previous "negotiated master agreement" for another scope of work in place of the contract terms included with RFP No. 5776. This is unacceptable and renders the SPX Cooling Tech proposal materially nonresponsive to the

contract documents. That proposal should receive no further consideration by the Board of Directors for the award of this contract.

Subject to the foregoing comments and the District's technical and economic evaluation, all of the proposals, except the proposal of SPX Cooling Tech, Inc., may be considered by the District's Board of Directors for the award of this contract. The performance and payment bond or letter of credit for the successful bidder also must be approved by the Board.

Very truly yours,



Stephen M. Bruckner  
FOR THE FIRM

SMB/sac  
2409551



Mollhoff/Fisher

**DRAFT**  
**RESOLUTION NO. 63xx**

**WHEREAS**, sealed bids were requested and advertised, as required by law, for the following:

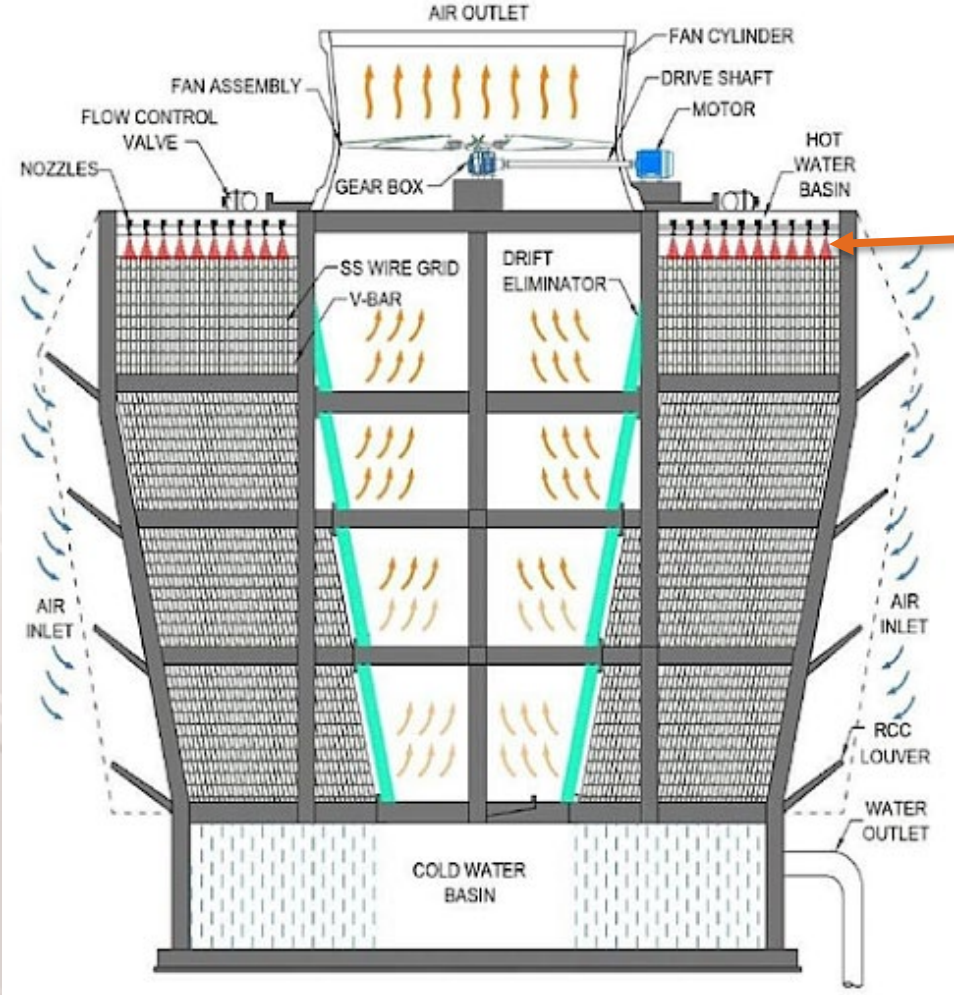
**REQUEST FOR PROPOSAL (RFP) NO. 5776  
NEBRASKA CITY STATION UNIT 2 COOLING TOWER FILL  
AND DRIFT LAYER REPLACEMENT**

**WHEREAS**, bids were received and opened at the time and place mentioned in the published notices and the Director – Supply Chain Management supervised the tabulations, which have been submitted to this Board; and

**WHEREAS**, the Board of Directors has carefully considered the bids submitted, as well as the recommendations of the District’s Management and General Counsel.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that Management hereby is authorized and directed to accept the proposal of Amertech Tower Services LLC, in the amount of \$1,834,910.00, to provide materials and labor to remove and install cooling tower fill and drift layers for the Nebraska City Station Unit 2 cooling tower, and the bond of such bidder hereby is approved.

# EPND Project 2750 NC2 Cooling Tower Fill Replacement





BOARD OF DIRECTORS

# Reporting Item

September 15, 2020

## ITEM

Nuclear Oversight Committee Report

## PURPOSE

The Nuclear Oversight Committee provides a regular oversight of items related to the Fort Calhoun Station (FCS) nuclear plant.

## FACTS

In addition to safe and secure dry cask storage of fuel, the required Preventative Maintenance tasks and Surveillance Tests, the following major decommissioning activities were completed in August:

- Critical path for the deconstruction project remains the segmentation of the reactor vessel internal components. Planning and design for the project is going well, with the plan for cutting and packing the internals developed. These components will be disposed of as radioactive waste, with different components falling into different waste classifications. The classification of each package will define the requirements, and location, for disposal.
- Modifications to the site are in progress to support large-scale demolition activities. This includes, road improvements, preparation of processing areas for materials being transported off-site, and installation of additional rail spurs to supplement the current rail line.
- Radiological surveys of the open-land areas of the site are in progress to ensure these areas were not impacted by plant operation. This work informs development of the License Termination Plan, which will require approval from the NRC. In addition to the site's program, the NRC performs independent confirmatory surveys, providing another level of assurance prior to eventual release of the site license for these areas following completion of deconstruction activities.

RECOMMENDED:

/s/ Mary J. Fisher

Mary J. Fisher  
Vice President – Energy Production and  
Nuclear Decommissioning

APPROVED FOR REPORTING TO BOARD:

/s/ Timothy J. Burke

Timothy J. Burke  
President and CEO

MJF:tsu



# Board Action

## BOARD OF DIRECTORS

September 15, 2020

### ITEM

SD-7: Environmental Stewardship Monitoring Report

### PURPOSE

To ensure full Board review, discussion and acceptance of SD-7: Environmental Stewardship Monitoring Report.

### FACTS

- a. The first set of Board policies were approved by the Board on July 16, 2015. A second set of Board policies were approved by the Board on October 15, 2015.
- b. Each policy was evaluated and assigned to the appropriate Board Committee for oversight of the monitoring process.
- c. The System Management and Nuclear Oversight Committee is responsible for evaluating Board Policy SD-7: Environmental Stewardship.
- d. The System Management and Nuclear Oversight Committee has reviewed the SD-7: Environmental Stewardship Monitoring Report as outlined on Exhibit A, and is recommending that OPPD be found to be sufficiently in compliance with the policy as stated.

### ACTION

The System Management and Nuclear Oversight Committee recommends Board approval of the 2020 SD-7: Environmental Stewardship Monitoring Report.

#### RECOMMENDED:

/s/ Mary J. Fisher

Mary J. Fisher  
Vice President – Energy Production and  
Nuclear Decommissioning

#### APPROVED FOR BOARD CONSIDERATION:

/s/ Timothy J. Burke

Timothy J. Burke  
President and CEO

#### Attachments:

Exhibit A – Monitoring Report  
Resolution



Exhibit A

# Monitoring Report SD-7 Environmental Stewardship

System Management and Nuclear Oversight Committee Report  
September 15, 2020

Mary Fisher, Vice President – Energy Production & Nuclear Decommissioning

The bottom portion of the slide features a decorative background consisting of a solid orange color with a pattern of white dots and thin white lines, resembling a stylized signal or data visualization.

# SD-7: Environmental Stewardship

Managing its interactions with the environment is essential to OPPD's ability to serve customers, create value for stakeholders, and contribute to the well-being of the communities it serves and its employees.

Therefore OPPD shall:

- Operate in an environmentally responsible manner and strive for the continuous improvement of its environmental performance
- Conduct all of its operations in a manner that strives for the goal of net zero carbon production by 2050
- Conduct its business in a manner that meets all environmental regulatory standards, and go beyond compliance where practical



# SD-7: Environmental Stewardship (continued)

- Be transparent by measuring and reporting its environmental performance on OPPD's website
- Engage customers and stakeholders to promote energy conservation and efficiency and minimize environmental impact
- Advocate and educate local, state, and federal governments to protect and advance OPPD's environmental impact

# Operate in an environmentally responsible manner and strive for the continuous improvement of its environmental performance

## OPPD's Passenger Car Fleet:

- 37 hybrid cars
- 5 all electric cars
- 4 extended range plug-in hybrids

More than 200 vehicles that are all electric, hybrid, or flex fuel

## This Year:

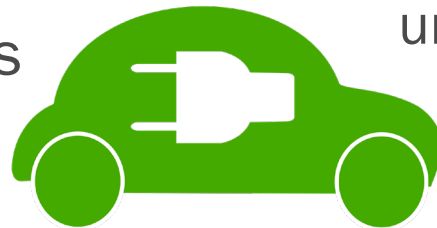
- Adding one electric car
- Replacing compact sport utility vehicles and ½ ton pickups in the fleet with the recently available Hybrid Escape and hybrid F150's

## OPPD's Equipment:

- 45 all electric forklifts, yard carts, and man-lifts
- 3 plug-in buckets for line trucks

## Next Year:

- Delivery of 2 more plug-in buckets for line trucks in the first quarter of 2021
- OPPD plans to continue replacing streetlight and trouble shooter style aerials with the plug-in hybrid models as units come up for replacement



# Operate in an environmentally responsible manner and strive for the continuous improvement of its environmental performance

## Investment Recovery

The District focuses on finding on finding avenues for recycling:

### 2019

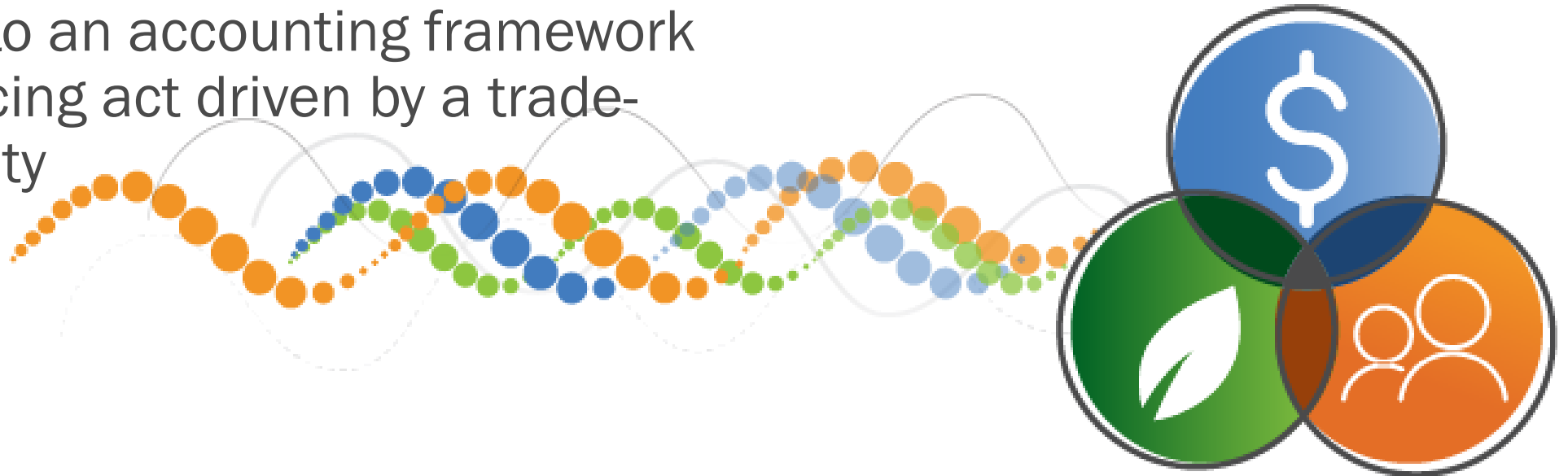
- Batteries – 9098 lbs.
- Metal – 76,564 lbs.
- Oil – 12,875 gallons
- Utility Poles – 1154 poles
- FCS Warehouse Contents - 2,560,000 lbs.
- Approximately 50% of fly ash recycled from North Omaha Station and 60% from Nebraska City Station
- Recycling materials also returned over \$2M back to OPPD



# Operate in an environmentally responsible manner and strive for the continuous improvement of its environmental performance

## Sustainability: Think Bigger

- Triple Bottom Line framework encompasses **economic**, **social** and **environmental** performance
- Evolved into an accounting framework and balancing act driven by a trade-off mentality
- Instead imagine...



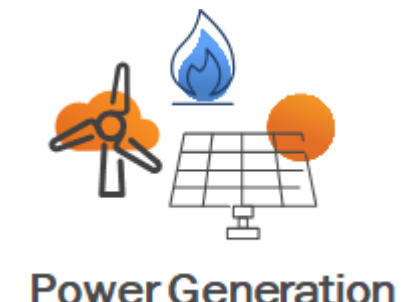
*“A triple helix for value creation, a genetic code for tomorrow’s capitalism, spurring the regeneration of our economies, societies, and biosphere”*

Harvard Business Review, “25 Years Ago I Coined the Phrase “Triple Bottom Line.” Here’s Why It’s Time to Rethink It,” John Elkington, June 2018

# Conduct all of its operations in a manner that strives for the goal of net zero carbon production by 2050

## Pathways to Decarbonization

- Organization engaged. All core teams active
- 121 generation technologies identified in exploratory phase
- Seven modeling vendor workshops to explore capabilities
- Eight Scope 1 Direct Emission sources complete
- Scope 2 and 3 in progress, including purchased goods/services, building consumption, purchased power
- Stakeholder work to date includes engagement with multiple interested community groups, new platform



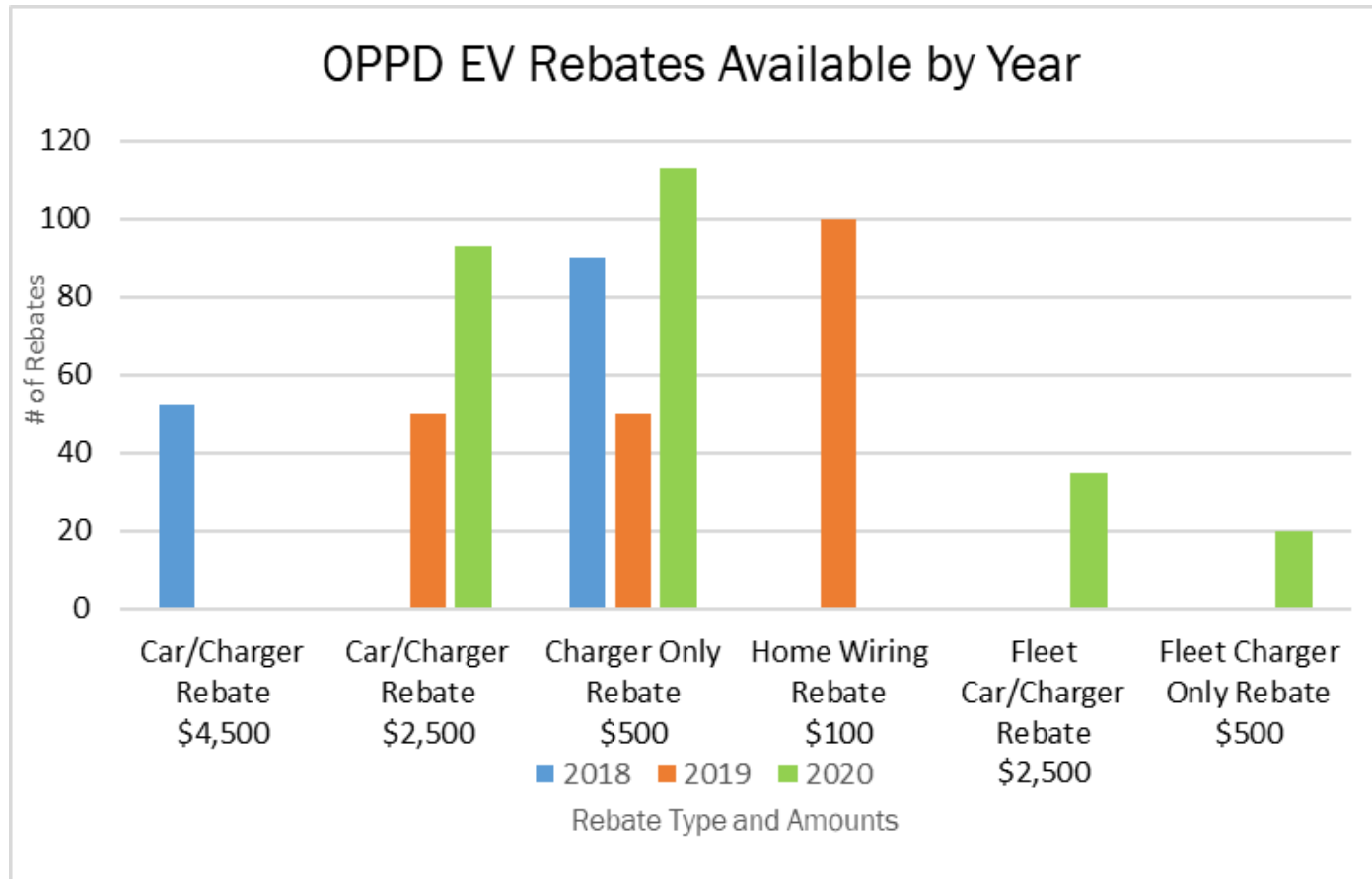
# Conduct all of its operations in a manner that strives for the goal of net zero carbon production by 2050

## Demand Side Management Portfolio Status

	2019 Actuals in Megawatts	2020 Plan in Megawatts
<b><i>Demand Response</i></b>		
Smart Thermostat Program	6.560	5.000
Cool Smart	63.330	62.730
Business Interruptible	50.970	50.910
<b>Total Demand Response</b>	<b>120.860</b>	<b>118.640</b>
<b><i>Energy Efficiency</i></b>		
HVAC Smart	1.415	1.500
Certified High Performance Homes	0.145	0.125
Smart Steps / Income Qualified Pilot	0.002	0.009
Business Prescriptive Rebates	3.679	4.000
Business Custom Rebates	0.653	0.400
<b>Total Annual Energy Efficiency</b>	<b>5.894</b>	<b>6.034</b>
<b>Total Cumulative Energy Efficiency</b>	<b>36.282</b>	<b>41.781</b>
<b>Total Annual Cumulative Demand Side Management</b>	<b>157.142</b>	<b>160.421</b>

# Conduct all of its operations in a manner that strives for the goal of net zero carbon production by 2050

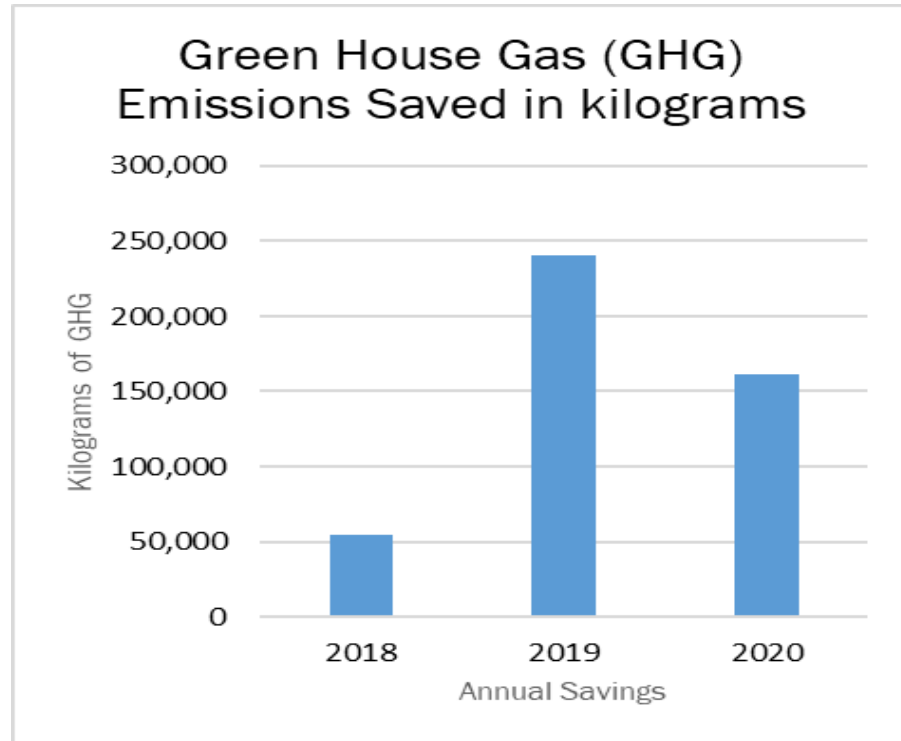
## Electric Vehicle Rebate Program



- All available rebates in 2018 and 2019 were claimed
- 2020 residential rebate promotions began in August with 10 rebates in progress
- New in 2020 is a Fleet rebate with promotion beginning in September

# Conduct all of its operations in a manner that strives for the goal of net zero carbon production by 2050

## EV Making an Impact



\*Emissions estimates supplied by ChargePoint

- Since the rebate program began in 2018, OPPD has helped customers to save over 455,625 kg of Green House Gas emissions.
- Equivalent to planting 11,871 trees and letting them grow for 10 years!





# Conduct its business in a manner that meets all environmental regulatory standards and go beyond compliance where practical

No violations of environmental permits that resulted in enforcement action or fines

## Standard Compliance

35 environmental regulated permits held  
- Consists of Air, Water, Waste, Natural Resources

- Conducted monthly, quarterly, semi-annual, and annual internal inspections
- Facilitated two virtual NPDES inspection by the NDEE (NCS and NOS)
- Facilitated one virtual radiation inspection by the DHHS
- Facilitated multiple city of Omaha and NDEE air inspections (NOS, NCS, SCS, CCS)

## Beyond Compliance

- Plant wide Applicability Limit (PAL) Permit
- Low Emitter Status
- Near zero opacity excursions
- Complying with stormwater requirements at SCS, CCS, JSS though not required
- Land applying sediment from the Settling Basin for soil amendment instead of landfilling
- Prairie in Progress, Avian Protection, working with NGPC to conduct bird surveys, Dedicated Natural Resources role added

**Conduct its business in a manner that meets all environmental regulatory standards and go beyond compliance where practical**

## Transformer Oil PCB Sampling

- A database of transformer PCB levels is under development
- OPPD identified 21,000 transformers with unknown PCB levels
- Total number of transformers in service territory is 90,770
- Began in early 2020, Put on hold March 20th due to COVID impact
- Transformers Inspected with Project YTD: 1639
- Transformers found 50-499 ppm = 79
- Transformers found >500 ppm = 0
- Additional benefit of project - Other maintenance items have been identified early
- 220 Minor Maintenance Items fixed



# Conduct its business in a manner that meets all environmental regulatory standards and go beyond compliance where practical

## Low Emitter Status

Low Emitter Status is achieved after 12 consecutive quarterly tests at 50% below the Mercury and Air Toxics Standard for that constituent, except for Hg, which requires annual testing.

Low Emitter Status			
Unit	PM	HCI	Hg
Nebraska City Unit 1	Obtained 1Q2019 Next Test: 1Q2022	6 of 12 Quarterly tests complete	Not Applicable*
Nebraska City Unit 2	Obtained 1Q2018 Next Test: 1Q2021	SO2 as surrogate	Not Applicable*
North Omaha Unit 4	Obtained 1Q2019 Next Test: 1Q2022	Obtained 3Q 2020 Next Test: 3Q2023	Obtained June 2016 Next Test: June 2021
North Omaha Unit 5	Obtained 1Q2020 Next Test: 1Q2023	Obtained 1Q2019 Next Test: 1Q2022	Obtained June 2016 Next Test: June 2021

\* Continuous monitoring is used to demonstrate compliance

# Be transparent by measuring and reporting its environmental performance on OPPD's website

## Environmental Programs

### NATURAL RESOURCE MANAGEMENT



This section deals with OPPD's stewardship ensuring OPPD conducts business and produces energy in an environmentally sensitive manner, that is transparent to OPPD customer-owners. [NATURAL RESOURCE MANAGEMENT](#) touches on the many ways OPPD is making a difference and protecting the environment and wildlife.

The [Prairie in Progress](#) project is a joint effort with the Save Our Monarchs Foundation. [LEARN MORE](#)

### CORPORATE RESPONSIBILITY



OPPD retains information about programs and activities that govern utilities and the regulations utilities are required to adhere to. [LEARN MORE](#)

### ENERGY EFFICIENCY



OPPD provides products and services aimed at improving energy efficiency and saving our customer-owners money. Learn more about the energy efficient products and services available. [LEARN MORE](#)

## Environmental Reports

### AVIAN PROTECTION PLAN



This report is designed to protect and conserve avian populations by reducing risks that result from interactions with utility facilities and activities. [READ REPORT](#)

### FLEET EMISSIONS



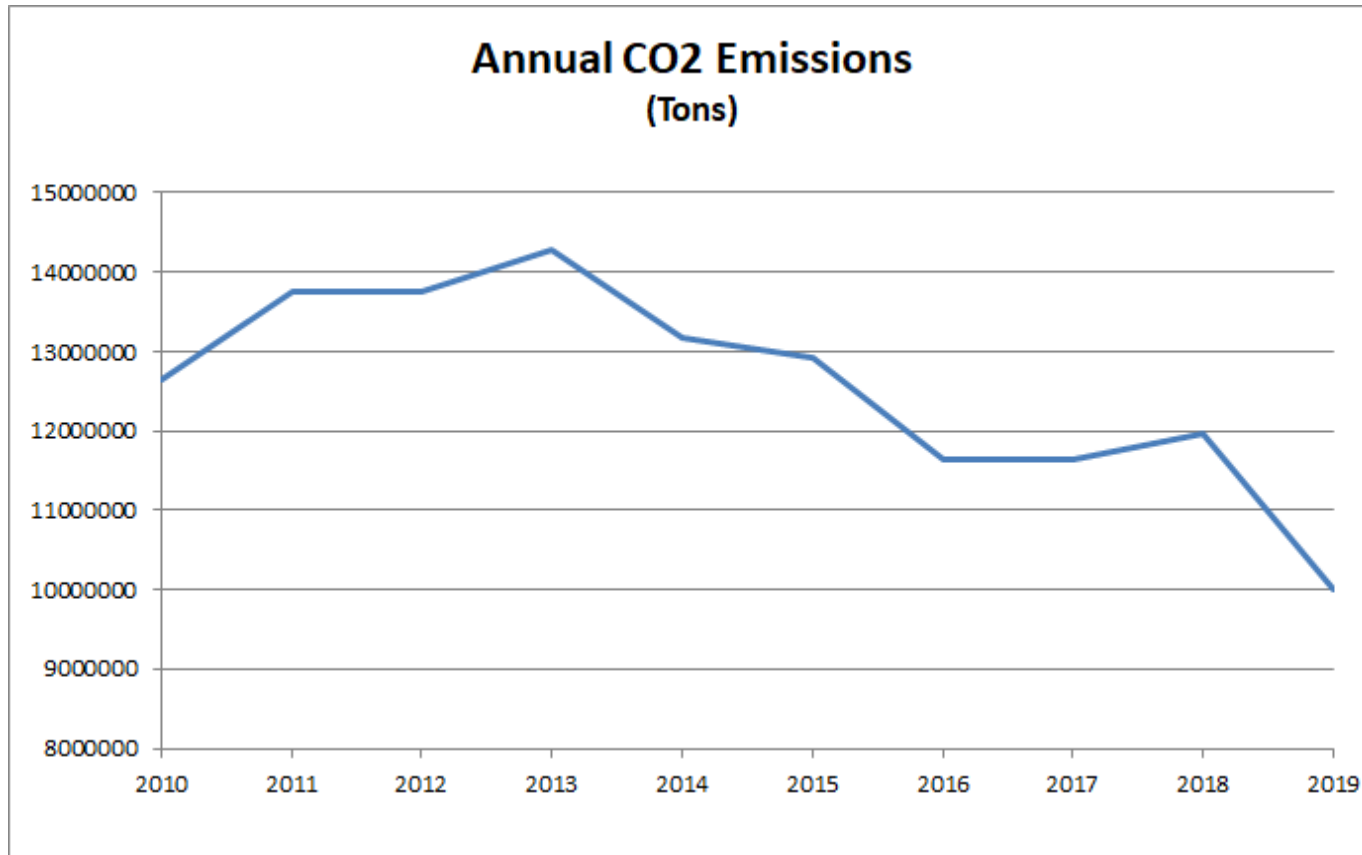
In an effort to be more transparent, OPPD publishes emissions reports for our customer-owners to review. [LEARN MORE](#)

### CCR RULE COMPLIANCE DATA & INFORMATION



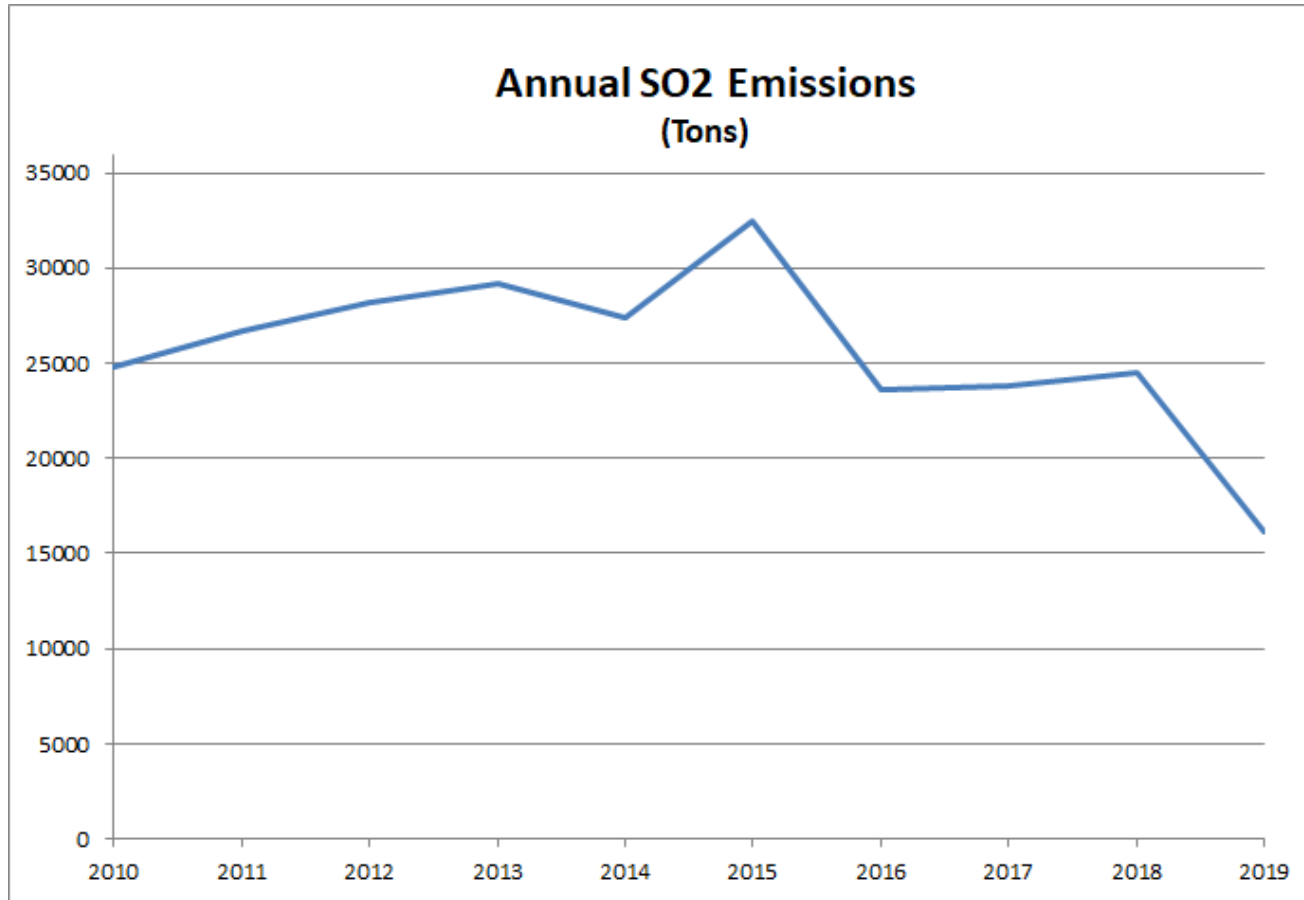
This section contains reports specified in the rule by the Environmental Protection Agency (EPA). [SEE REPORTS](#)

# Be transparent by measuring and reporting its environmental performance on OPPD's website



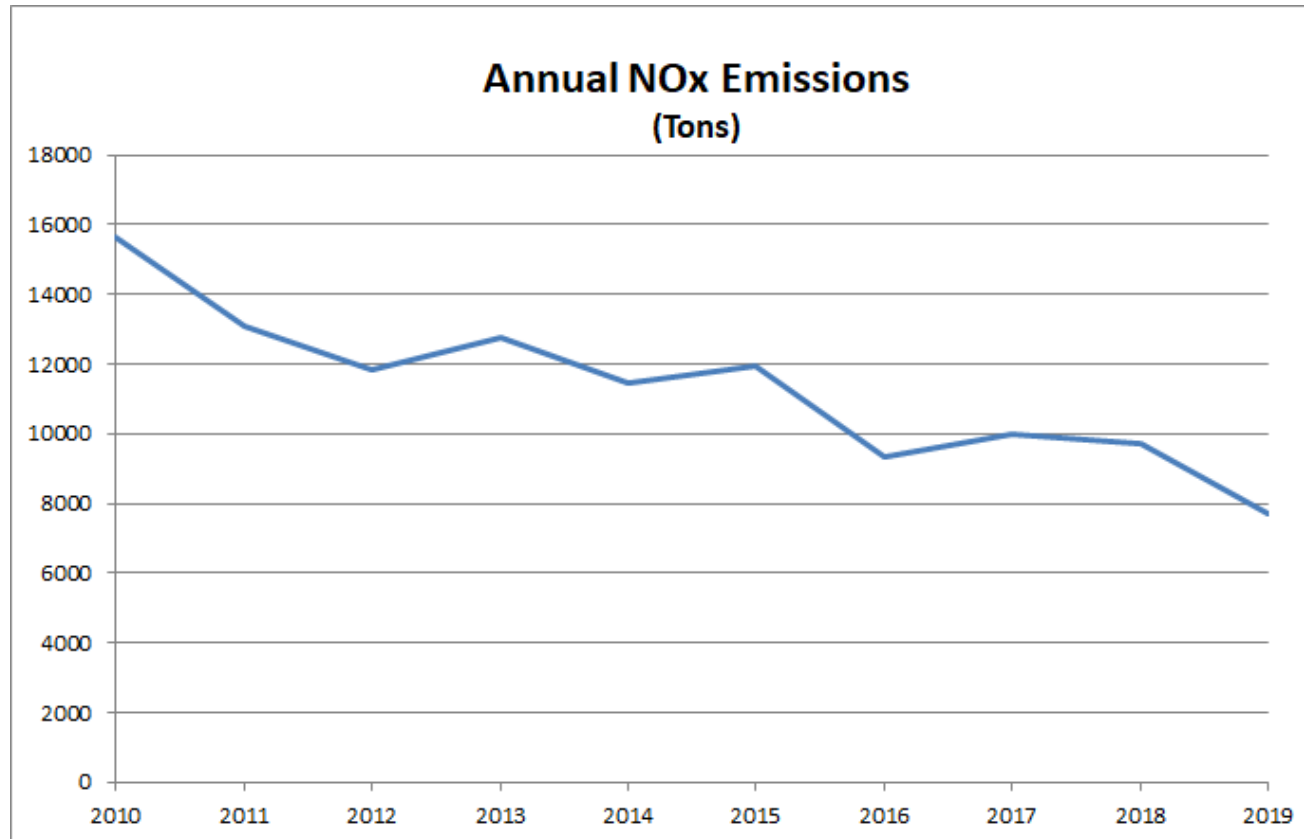
- 21% Decrease over last ten years
- Note: North Omaha units 1, 2, and 3 ceased coal operation in 2016

# Be transparent by measuring and reporting its environmental performance on OPPD's website



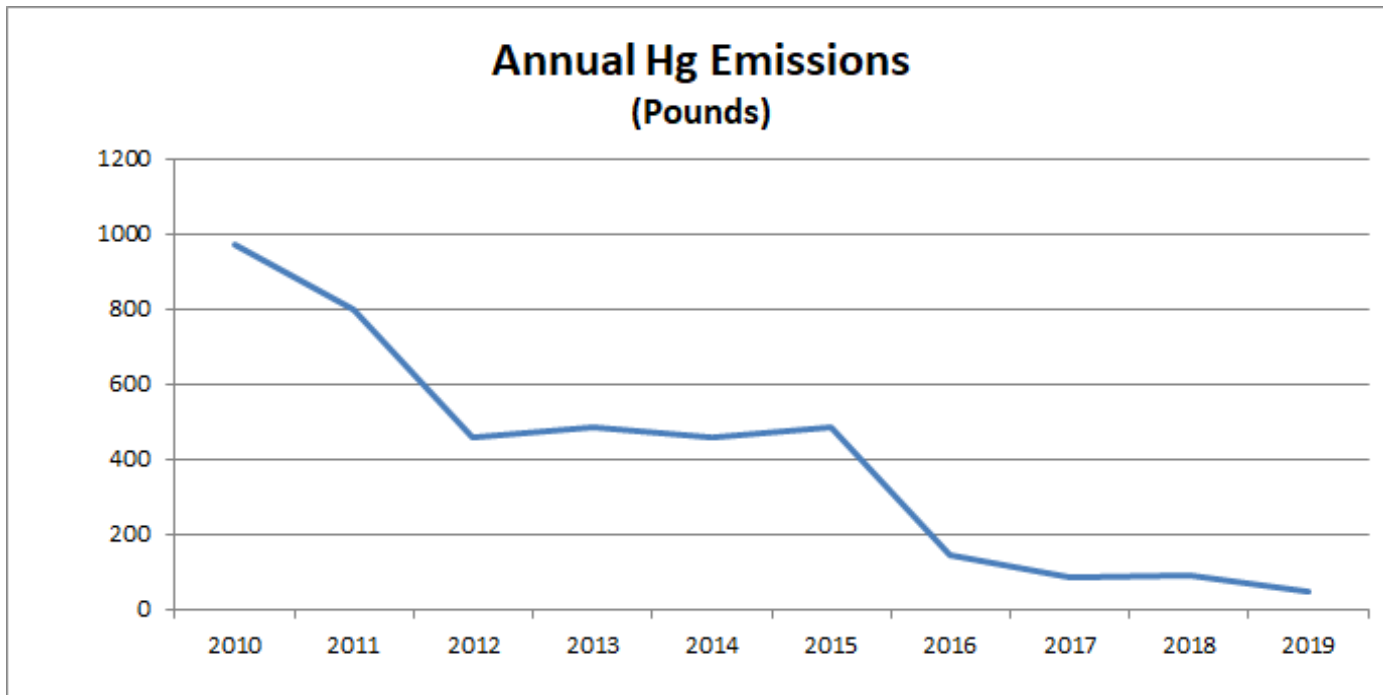
- 35% Decrease over last ten years
- Note: North Omaha units 1, 2, and 3 ceased coal operation in 2016

# Be transparent by measuring and reporting its environmental performance on OPPD's website



- 51% Decrease over last ten years
- Note: North Omaha units 1, 2, and 3 ceased coal operation in 2016

# Be transparent by measuring and reporting its environmental performance on OPPD's website

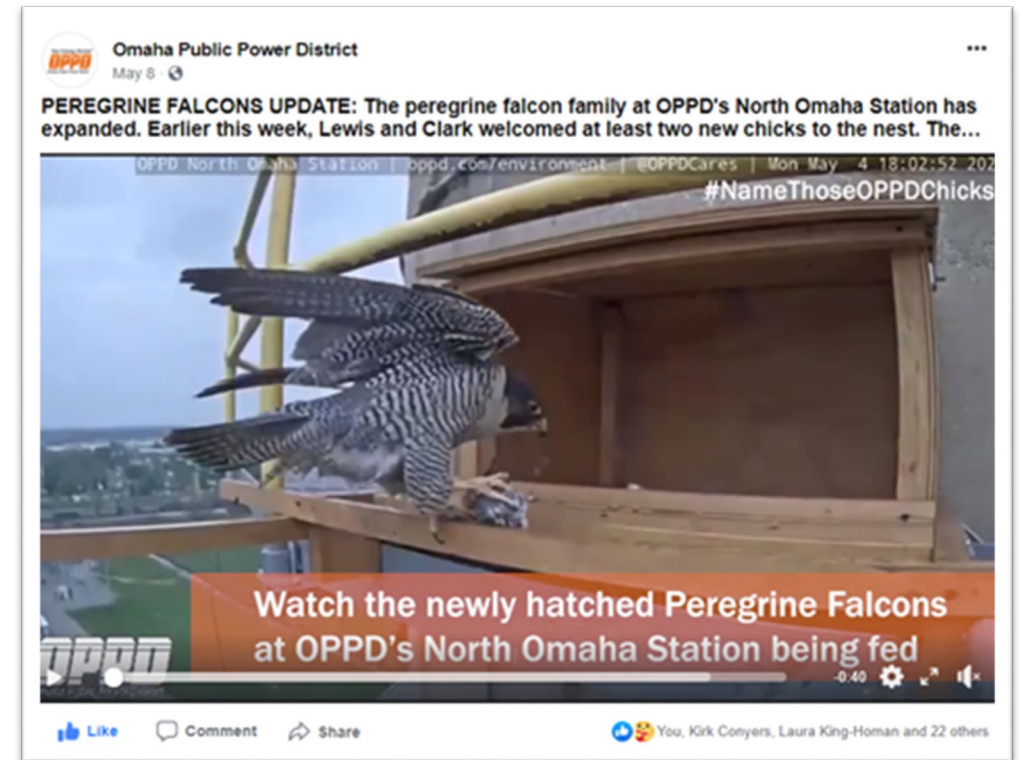
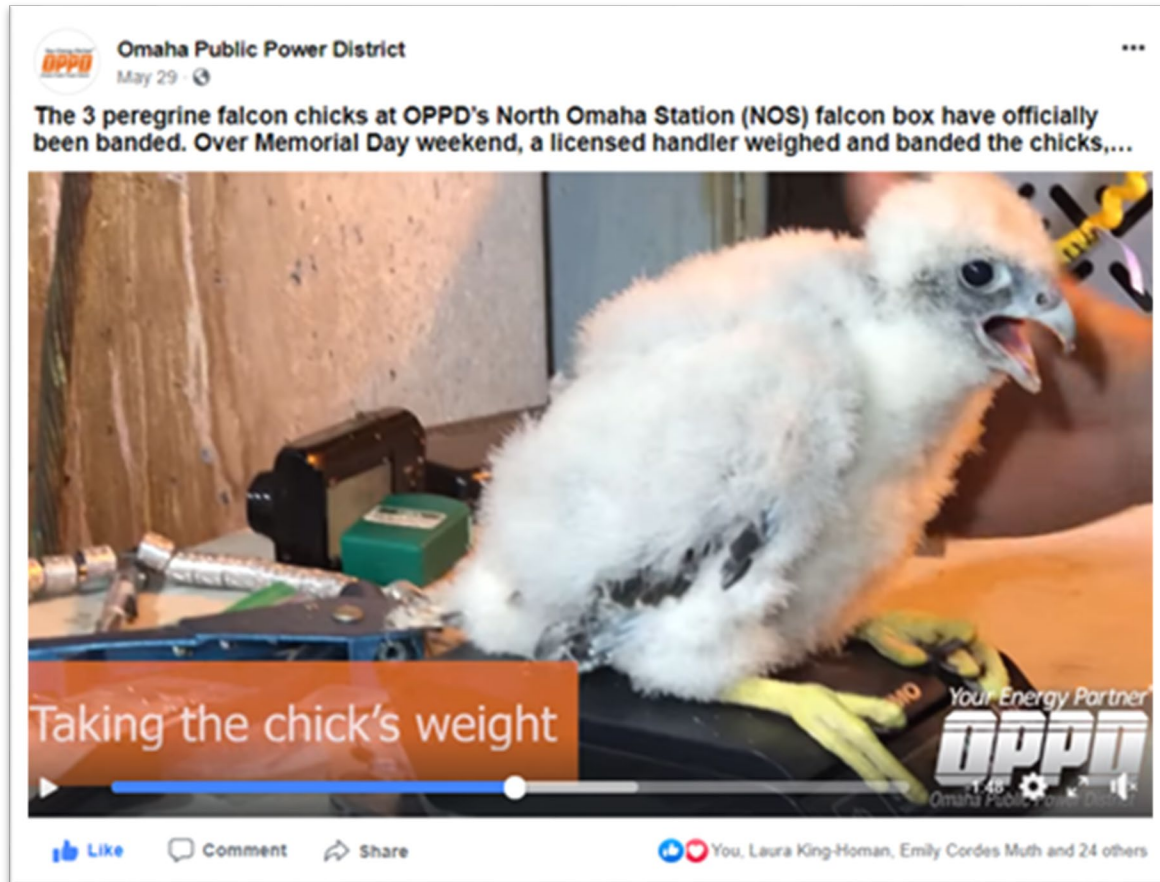


- 95% Decrease over last ten years
- Prior to 2012 emissions were estimated using EPA methodology
- Actual test data used post 2012
- North Omaha units 1, 2, and 3 ceased coal operation in 2016
- Hg controls implemented for MATS rule compliance in 2016



# Advocate and educate local, state, and federal governments to protect and advance OPPD's environmental impact

- From April to July 2020 the live feed had reached over 4 million people worldwide

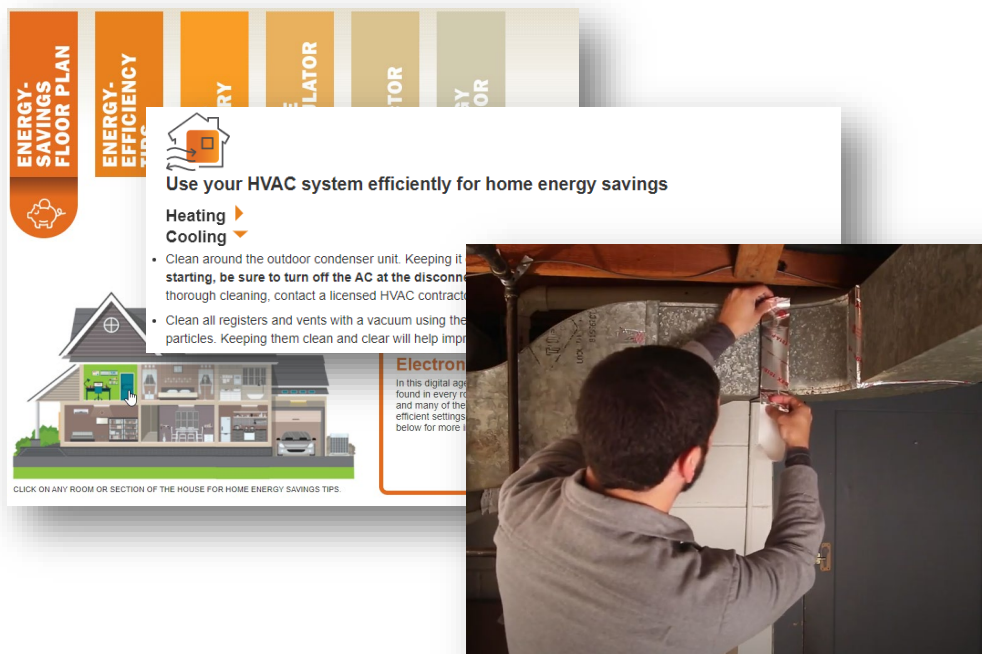


# Advocate and educate local, state, and federal governments to protect and advance OPPD's environmental impact

- Letters and testimony to support operational environment for solar in various Sarpy County jurisdictions (Papillion, Sarpy County, Springfield, Gretna)
- Promoted speakers' bureau education to policymakers on renewable energy topics including sustainability and environmental plans:
  - Electric Vehicles    -Decarbonization Plan
  - Battery Storage    -Renewable Energy Portfolio
- Provided Power with Purpose presentations to various Sarpy County community leaders:
  - Sarpy County Commissioners
  - Sarpy County Wastewater Agency Representatives
  - City Administrators (Bellevue, La Vista, Papillion, Springfield, Gretna)
  - Gretna City Council members
  - Springfield Planning Commissioners
  - Springfield City Councilmembers

# Energy Efficiency Education

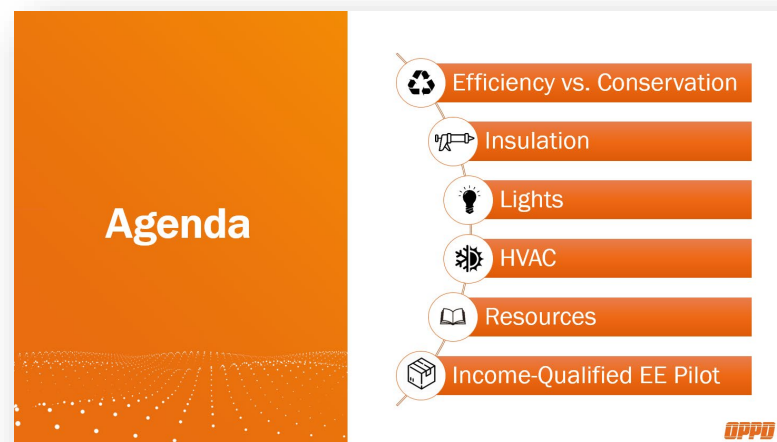
## New EE Webpages



- Interactive home, expanded EE Tips, Usage Calculator, and new DIY Videos
- 55,000+ Site visits since launch on 10/2/2019
- EE Tips Page: over two (2) minutes Avg. Time on Page
- Avg. 580 site visits per month

## EE Presentations

- 12 presentations in 2019 to 300 customers and students
- Presented at: Facebook, Lozier, various elementary schools, Bennington Women's Club and more
- Presentations tailored to the customer's needs



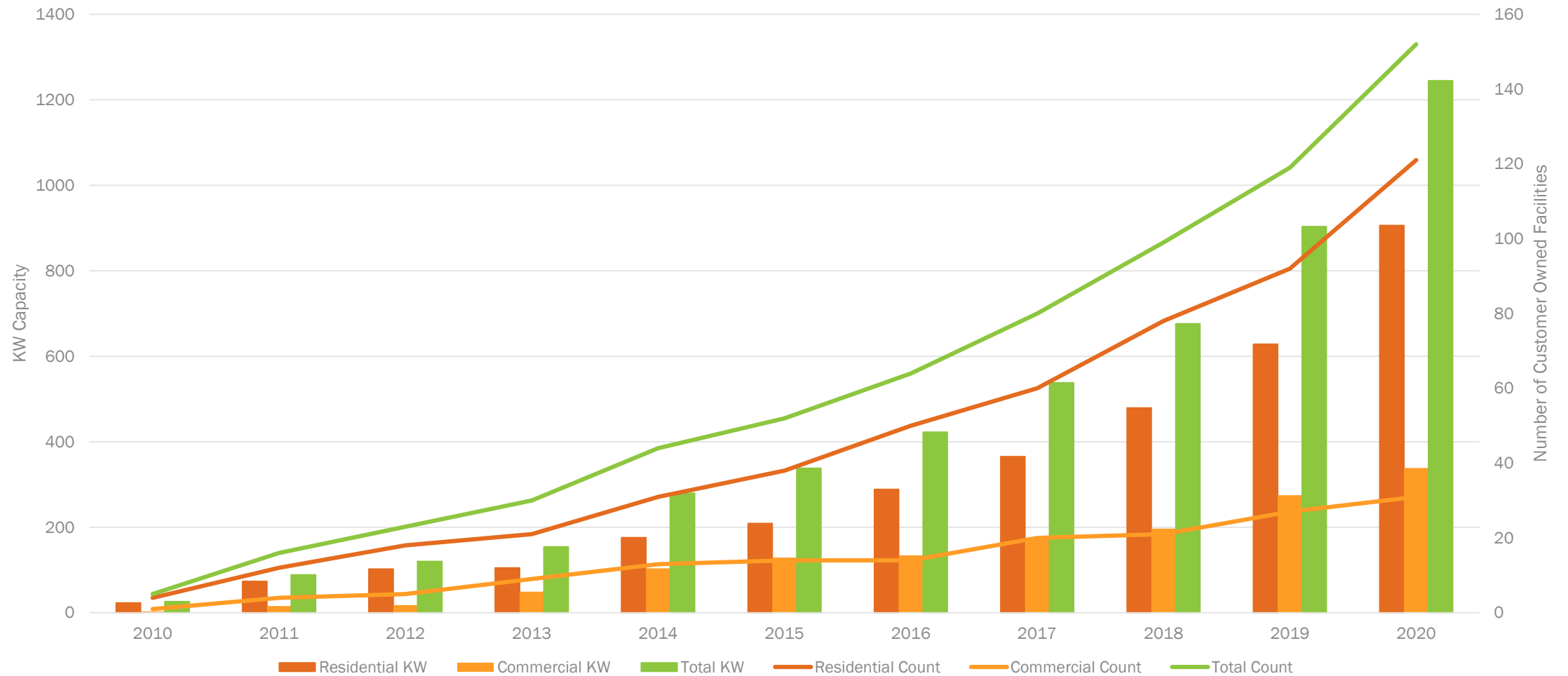
# Customer-Owned Generation Process Improvements

The screenshot displays the OPPD website's 'CUSTOMER-OWNED GENERATION HOME' page. The top navigation bar includes links for Residential, Business, Outages, Environment, News & Resources, About, and Community. A left sidebar contains utility services like 'PAY MY BILL', 'REPORT AN OUTAGE', and 'OUTAGE INFORMATION'. The main content area features an introductory text about generating electricity, a 'What is customer-owned generation?' section with an image of a rooftop PV system, and a 'What happens when there isn't enough sun or wind to p' section. Below this are two orange call-to-action buttons: 'CUSTOMER-OWNED GENERATION QUICK START GUIDE' and 'CUSTOMER-OWNED GENERATION NET METERING'. At the bottom, a contact message reads 'Contact OPPD anytime! We're your energy partner and...'. Overlaid on the right side of the screenshot is a 'PV Solar Installation' form with fields for 'PV Solar Mount Type' (Rooftop, Ground), 'PV Inverter Type' (String Inverter, Microinverter), and a 'PV System Specification' section with dropdown menus for 'Inverter' and 'PV Array', and 'Add Array' and 'Add Inverter' buttons.

- Rich Content on OPPD.com
- Intuitive Online Application
- Trained OPPD Personnel and Contractors
- Streamlined Internal Processes
- ICIS Updated Daily for Safety
- New Interconnection Guide for Contractors

“I looked at OPPD’s customer-owned generation web pages today. They were great! They had more information than I could find at other power companies.”...Jessica

# Growth in Small Customer-Owned Generation (25 KW or Less)



# Recommendation

- The System Management Committee has reviewed and accepted this Monitoring Report for SD-7 and recommends that the Board find OPPD to be sufficiently in compliance with Board Policy SD-7



Mollhoff/Fisher

**DRAFT**  
**RESOLUTION NO. 63xx**

**WHEREAS**, the Board of Directors has determined it is in the best interest of the District, its employees, and its customer-owners to establish written policies that describe and document OPPD’s corporate governance principles and procedures; and

**WHEREAS**, each policy was evaluated and assigned to the appropriate Board Committee for oversight of the monitoring process; and

**WHEREAS**, the Board’s System Management and Nuclear Oversight Committee (the “Committee”) is responsible for evaluating Board Policy SD-7: Environmental Stewardship on an annual basis. The Committee has reviewed the 2020 SD-7: Environmental Stewardship Monitoring Report and finds OPPD to be sufficiently in compliance with the policy as stated.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors accepts the 2020 SD-7: Environmental Stewardship Monitoring Report, in the form as set forth on Exhibit A attached hereto and made a part hereof, and finds OPPD to be sufficiently in compliance with the policy as stated.



## Pre-Committee Agenda

### PUBLIC INFORMATION PRE-COMMITTEE MEETING WEBEX VIDEOCONFERENCE

Tuesday, September 8, 2020 4:00 – 5:30 P.M.

1. BL-9: Delegation to President & CEO – Local, State and Federal Legislation (30 mins)
  - a. Objective: Continue review of proposed draft of legislative board resolution
2. Legislative and Regulatory Update (10 mins)
  - a. Objective: Provide brief update on federal and state legislative and regulatory activities
3. Customer Trends Update (15 mins)
  - a. Objective: Provide brief update on customers experiencing financial challenges
4. Customer Engagement (15 mins)
  - a. Objective: Provide brief update on customer engagement efforts
5. SD-11: Economic Development Monitoring Report (5 min)
  - a. Objective: Provide brief update on draft monitoring report
6. Summary of Committee Direction (5 min)
  - a. Objective: Senior management team liaison(s) to summarize direction provided by the committee



### Legislative Resolution Draft (09-02-20)

[This language incorporates Moody's extensive comments, Molhoff's addition, Voyle's edits, and Yoder's subsequent notes. Yoder provides additional notes at the bottom of the document.]

WHEREAS, OPPD's vision is to lead the way we power the future.

WHEREAS, OPPD's mission is to provide affordable, reliable, and environmentally sensitive energy services to our customers.

WHEREAS, OPPD's values are: We have a PASSION to serve – We HONOR our community – We CARE about each other.

WHEREAS, OPPD Board uses Strategic Directives (SDs) and Board Linkages (BLs) to set direction and guide management's actions.

NOW, THEREFORE, BE IT RESOLVED with reference to the 107<sup>th</sup> session of the Nebraska Legislature and the 117th U.S. Congress and related regulatory actions, that:

- OPPD opposes legislation that would jeopardize the public power business model, which provides locally-governed, customer-centric energy solutions throughout the country.
- OPPD supports enactment of legislation to reinstate advance-refunding bonds, simplify municipal bond private-use rules, and supports the continuation of the federal tax exclusion for municipal bond interest.
- OPPD supports federal and state incentives for renewable energy development, energy efficiency, market adoption for electric vehicles and charging stations, and storage technologies, such as sales tax credits, tax exemptions, investment tax credits, and production tax credits.
- OPPD opposes fees/taxes imposed on the District that may directly or indirectly increase costs.
- OPPD supports the most economically efficient means for reducing Greenhouse Gas (GHG) emissions from an economy-wide perspective while protecting system reliability, rather than requiring the use of any particular kind of generation.
- OPPD supports action to address climate change on an economy-wide basis that sets clear targets and provides maximum flexibility to covered entities. ~~It must also be crafted in a manner that allows the electric sector to reduce CO2 emissions while maintaining a reliable grid and affordable retail rates.~~
- OPPD supports net metering legislation for customer owned renewable energy generation that is installed safely for customer and utility workers and equitably compensates the customer and utility.
- OPPD supports the availability of funding to provide energy and housing security to assist our customers with financial challenges.

- OPPD supports enhanced infrastructure and employee security, both physical and cyber, in cooperation with federal, state, and local resources based upon prudent and cost-effective measures. OPPD opposes legislation adding new costs and burdens for cyber and physical security related issues that are not commensurate with the risks and benefits.
- OPPD supports existing eminent domain authority and opposes modifications that weaken the condemnation authority of public power utilities.
- OPPD supports the expansion of access to fiber-optic (or high speed) broadband internet service for all Nebraskans.
- OPPD opposes legislation and policies that would limit our ability to provide energy-related services and solutions.
- OPPD opposes proposals to divest of membership in Regional Transmission Organizations (RTO), divest transmission assets of Western Area Power Administration (WAPA) and change the Power Marketing Administrations' cost-based rate structure to a market-based rate structure.
- OPPD supports policies that champion the construction of a consolidated interim nuclear waste storage facility in a willing host community, but does not impede our Department of Energy queue position. In addition, OPPD asserts that the Department of Energy must follow its statutory obligations and construct a final repository for nuclear waste

[Yoder Notes:

- In September's full board committee discussion, a new filter/frame was put on the Legislative Resolution discussion, namely, "Would the Legislative Resolution make any difference to how CEO Burke would direct OPPD's legislative action?" In my opinion, this presents a slightly different frame from the one described at the outset of the Legislative Resolution effort in PI last year; it certainly updates a clearer description of desired outcomes. To that end, I took the liberty of offering a strawman, "start-the-discussion" identification of the bullets that have, or do not have, language likely to make a difference in CEO Burke's activities. I changed the font color to green if I judged the language as making no difference, and to orange if I thought it removed ambiguity or nuance from board SD language and therefore could nudge the CEO's rudder in a slightly different direction.
- Be sure to dig into the comments – I used the "Reply" option to Seth's comments to provide a dialogue or to include Moody's original comments for reference.]



# Reporting Item

## BOARD OF DIRECTORS

September 15, 2020

### ITEM

Legislative and Regulatory Update

### PURPOSE

To provide an update on 2020 state and federal legislative matters and regulatory matters

### FACTS

- a. Nebraska’s 106th Legislature, second session, reconvened on July 20, 2020 and ended on August 13, 2020.
- b. The 116<sup>th</sup> Congress began on January 3, 2019 and is expected to end January 3, 2021.
- c. Regulations and various policies are under consideration for change.

### ACTION

Reporting item

RECOMMENDED:

/s/ Lisa A. Olson

Lisa A. Olson  
Vice President – Public Affairs

APPROVED FOR REPORTING TO BOARD:

/s/ Timothy J. Burke

Timothy J. Burke  
President and CEO

Attachment: Legislative and Regulatory Update

# Legislative Update

## 9/15/2020



# Agenda

- State Legislative Update
- Federal Legislative Update

# State Legislative Update



# General Overview of the 106<sup>th</sup> State Session

- Long session 2019
  - January 9 - May 31
  - 739 bills introduced
    - 44 “A” bills
    - 255 approved by the Governor
      - 257 bills became law (2 constitutional amendments)
- Short session 2020
  - January 8 - March 12
    - March 23 – 25 - Reconvened to appropriate funds to the emergency COVID fund
    - July 20 – August 13 - Reconvened to finish the session
  - 483 bill introduced
    - 68 “A” bills introduced
    - 492 carry over bills
    - 132 approved by the Governor

## OPPD Focus

18 priority bills with positions  
19 significant interest monitor  
81 general interest monitor

# Legislation – Priority Status

Bill & Current Status	Summary
LB 283 Pansing Brooks	Provide for a climate change study
<i>Monitor</i>	1/15/19 Introduced, 1/18/19 Referred to Executive Board, 2/11/19 Hearing held, 1/24/20 Vargas AM2116 filed, 2/19/20 Placed on General File, 2/21/20 McCollister priority bill, on General File – debate held, motion to call the question failed <i>We are supportive of the concept, however monitoring at the current time due to easement/eminent domain language and source of funds, 8/13/20 Indefinitely postponed</i>
LB 627 Pansing Brooks	Prohibit discrimination based upon sexual orientation and gender identity
<i>Support</i>	1/23/19 Introduced, 1/25/19 Referred to Judiciary Committee, 2/7/19 Hearing held, 3/5/19 Chair ruled there had not been full and fair debate on the advancement of the bill. 3/5/19 Motion to overrule the chair failed, 2/19/20 Pansing Brooks priority bill, 8/13/20 Indefinitely postponed
LB 720 Kolterman	Adopt the ImagiNE Nebraska Act and provide tax incentives
<i>Support</i>	1/23/2019 Introduced. 1/25/2019 Referred to Revenue Committee, 2/12/2019 Kolterman priority bill, 3/6/2019 Hearing Held, 4/5/2019 Kolterman AM1198 filed, 5/10/2019 Placed on General File with AM1614, 5/15/2019 various amendments introduced, 5/22/2019 Advanced to Select File with ER136, 5/24/2019 Kolterman MO108 invoke cloture failed, 1/8/20 Kolterman priority bill, 1/30/20 Kolterman AM2207 filed, 2/6/20 Special Hearing on AM2207, 2/27/20 Attorney General Opinion 20-004 to Brandt, debate held on Select File, no vote held. 8/5/20 amended into LB 1107, 8/17/20 Signed by Governor.
LB 899 Hughes	Provide certain powers to public power districts relating to biofuels and biofuel byproducts
<i>Support</i>	1/9/20 Introduced, 1/13/20 Referred to Natural Resources Committee, 1/23/20 Hearing held, 2/18/20 Moser priority bill, 3/5/20 Advanced to Select File, on Final Reading, 8/6/20 Signed by Governor



# Legislation – Priority Status

Bill & Current Status	Summary
LB 923 Lindstrom	Change sales tax provisions relating to gross receipts
<i>Support</i>	1/10/20 Introduced, 1/13/20 Referred to Revenue Committee, 1/30/20 Hearing held, 2/4/20 Placed on General File, 2/25/20 Speaker priority bill, debate held on Select File, Wayne amendment failed 38-2, on Final Reading, <b>8/15/20 Signed by Governor</b>
LB 933 Crawford	Change provisions relating to discontinuance of utility service
<i>Support</i>	1/10/20 Introduced, 1/13/20 Referred to Natural Resources Committee, 1/27/20 Vargas name added. 2/27/20 Placed on General File, amended into LB632 on Select File, <b>8/17/20 Signed by Governor</b>
LB 992 Friesen	Adopt the Broadband Internet Service Infrastructure Act and provide for certain broadband and Internet -related services
<i>Monitor</i>	1/14/20 Introduced, 1/15/20 Referred to Transportation and Telecommunications Committee, 2/3/20 Hearing held, 2/5/20 Transportation and Telecommunications Priority Bill, 2/27/20, amendment added with OPPD input, on Select File, <b>8/15/20 Signed by Governor</b>
LB 1132 Wayne	Change provisions relating to net metering
<i>Oppose</i>	1/22/20 Introduced, 1/24/20 Referred to Natural Resources Committee, 2/19/20 Hearing held, 8/6/20 Indefinitely postponed
LB 1205 McCollister	Adopt the Renewable Energy Standards Act
<i>Oppose</i>	1/23/20 Introduced, 1/27/20 Referred to Natural Resources Committee, 2/13/20 Hearing held, 8/6/20 Indefinitely postponed
LB 1198 Stinner	Appropriate funds for the Governor’s Emergency Program – COVID-19
<i>Support</i>	1/23/20 Introduced, 1/27/20 Referred to Appropriations Committee, 2/4/20 Hearing held, 2/27/20 Placed on General File, 3/23/2020 Advanced to Select File, 3/25/2020 Advanced to Final Reading, 3/25/20 Signed by the Governor

# Interim Studies

Resolution number & status	Summary
LR 317 Kolterman	To carry out section 13-2402 which requires the Nebraska Retirement Systems Committee to monitor defined benefit plans administered by political subdivisions
	7/30/20 Referred to Nebraska Retirement Systems Committee. 11/6/20 Hearing scheduled
LR 333 McDonnell	To examine the possibility of placing one or more reservoirs on the Platte River and its tributaries for the purpose of flood control, hydroelectric energy, recreation, economic development, and environmental stewardship.
	7/30/20 Referred to Natural Resources Committee
LR 408 HHS Committee	To examine issues associated with the economic stimulus funds that were provided by the CARES Act as a result of the COVID-19 pandemic
	7/30/20 Referred to Health and Human Services
LR 411 HHS Committee	To provide continued oversight of and updates regarding the response of the Dept. of Health and Human Services to the COVID-19 pandemic
	7/30/20 Referred to Health and Human Services

# Interim Studies

Resolution number & status	Summary
LR 429 DeBoer	To examine issues related to mapping broadband coverage throughout Nebraska.
	7/30/20 Referred to Transportation and Telecommunications Committee.
LR 438 Friesen	To continue to monitor the activities of the Rural Broadband Task Force that was created by Laws 2018, LB 994.
	7/30/20 Referred to Transportation and Telecommunications Committee.
LR 440 Friesen	To examine existing laws, rules and regulations related to excavation, in particular regarding underground facilities.
	7/30/20 Referred to Transportation and Telecommunications Committee.
LR 466 Pansing Brooks	Provide the Legislature affirm the United States Supreme Court decision in Bostock v. Clayton County which determined that an employer who fires an individual merely for being gay or transgender violates Title VII of the Civil Rights Act of 1964. (acknowledges the state of Nebraska agrees with decision)
	8/12/20 President signed

# What is next until 107<sup>th</sup> session starts?

- Senator Briefings – On-going
- Natural Resources Committee touchpoints
- Monitor Committee Changes
  - Senator letters of intent sent
    - Halloran – Agriculture (current chair)
    - Williams – Banking, Commerce and Insurance (current chair)
    - Gragert – Natural Resources Committee (Hughes current chair)
- Elections
- Internal review of policy needed (proactive OPPD Legislative agenda and work plan) – Now through October

# Federal Legislative Update



## Key items of interest for Capitol Hill and the White House

### Presidential debate

- The first debate of the general presidential election is set to occur on September 29, jointly hosted by the Cleveland Clinic and Case Western Reserve University in Cleveland, OH
- Organizers have not announced a firm plan for hosting the debate during the COVID-19 pandemic

### Upcoming legislative deadlines

- Congress must pass 12 appropriations bills before the end of the fiscal year on September 30; the House has passed 10 bills through two minibus packages, while the Senate has yet to pass any
- Both the House and Senate have introduced proposals for FAST Act reauthorization, which is also set to expire on September 30



### Coronavirus relief negotiations

- Efforts to restart coronavirus talks occurred last week after negotiations stalled in early August
- Democrats are pushing for a relief package around \$2 trillion, one trillion less than the House proposal passed in May
- GOP Senate leaders hope to vote next week on “targeted” or “skinny” relief bill, likely to receive pushback from Democrats in both chambers

### USPS legislation

- On August 22, the House passed legislation with a 257-150 vote that would allocate \$25 billion in funding to the Postal Service
- Although some Senate Republicans are in favor of a direct appropriation, Senate Majority Leader Mitch McConnell (R-KY) said he did not intend to hold a vote for the bill

# Congressional Outlook – 2020

Topic	Expiration date	Description
FISA Reauthorization	March 15, 2020	<ul style="list-style-type: none"> <li>The “roving wiretap,” “lone wolf,” and “business records,” provisions, and the “call detail records” program—were temporarily extended in the 2019 Continuing Resolution but are currently expired</li> </ul>
Annual Appropriations		<ul style="list-style-type: none"> <li>Hearings have begun in House/Senate subcommittees, but COVID could delay negotiations</li> </ul>
Surface Transportation	Sept. 30, 2020	<ul style="list-style-type: none"> <li>The 2015 FAST Act provided funding for 5 years and authorizes certain highway and public transit programs</li> </ul>
Nat'l Flood Insurance Reauthorization		<ul style="list-style-type: none"> <li>National program was last reauthorized for full five years in 2012</li> <li>Reauthorized on short-term basis since 2017</li> </ul>
TANF & CCES Reauthorization	Nov. 30, 2020	<ul style="list-style-type: none"> <li>Temporary Assistance for Needy Families (TANF) programs and the Child Care Entitlement to States (CCES) provide child care assistance for low-income families</li> </ul>
Health Extenders		<ul style="list-style-type: none"> <li>Various Medicare and Medicaid policies are set to expire, including the community mental health services demonstration program</li> </ul>
Nat'l Defense Re-Authorization	Dec. 31, 2020	<ul style="list-style-type: none"> <li>Reauthorizes annual Defense programs and sets top-line budgets</li> </ul>

Sources: Committee for a Responsible Federal Budget; Politico, National Journal.



# Reporting Item

## BOARD OF DIRECTORS

September 15, 2020

### ITEM

Customer Trends Update

### PURPOSE

To provide an update on customer trends during the COVID-19 pandemic

### FACTS

1. In response to COVID-19 Directed Health Measures declared in March 2020, the Omaha Public Power District developed a Customer First Solutions Package, a variety of programs to assist customers during the COVID-19 pandemic.
2. The Board requested management provide regular reports on the progress of customer programs and trends.
3. Management will provide an update on aged debt and related trends as of August 31, 2020.

RECOMMENDED:

/s/ Juli A. Comstock

Juli A. Comstock  
Vice President – Customer Service

APPROVED FOR REPORTING TO BOARD:

/s/ Timothy J. Burke

Timothy J. Burke  
President and CEO

JAC:rak





# Customer Trends Update

Board of Directors All Committees Meeting  
September 15, 2020

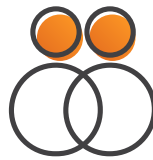


Monitoring and adjusting OPPD's solutions as our customers' needs are changing.



## Continuance of Customer First Solutions

- Maintain flexible bill payment options to help customers financially (via contact center request)
- Waive collection & reconnect fees on first field visit
- Empower customer service representatives to waive up to 3 Late Payment Charges for a customer in a 12 month period
- Suspend assessing additional deposits due to field collection visits
- Increase public education and awareness on Energy Assistance and Energy Efficiency education



## Energy Assistance

- Implemented CARES Act Utility Assistance through Dollar Energy Fund securing \$3 million of energy assistance available to residential customers economically impacted by COVID-19



## Remote Learning

- Collaborated with school districts opting for remote learning options to ensure learning is not disrupted to disconnection of electric service



## Promotional/Marketing Campaign

- Email and bill insert sharing CARES Act Utility Assistance Funds availability
- Energy Efficiency campaign to run in October

# Summary of Aged Debt

	Residential			Commercial & Industrial		
	August 2020	July 2020	August 2019	August 2020	July 2020	August 2019
% of Accounts Current	91.7%	91.5%	90.0%	93.6%	92.6%	92.5%
% of Accounts in Arrears	8.3%	8.5%	10.0%	6.4%	7.4%	7.5%
Total Aged Debt > 30 days (in millions)	\$5.9	\$6.2	\$5.4	\$2.8	\$2.3	\$1.9
Total Aged Debt 91+ Days (in millions)	\$1.4	\$2.1	\$0.3	\$0.4	\$0.4	\$0.1
Total Service Agreement Count > 30 Days (in thousands)	31.3	31.5	37.7	1.9	2.1	2.1
Total Service Agreement Count > 91+ Days (in thousands)	6.3	8.9	3.5	0.5	0.7	0.3

LIHEAP Only Accounts	August 2020	July 2020	August 2019
% of Accounts Current	72%	75%	72%
% of Accounts in Arrears	28%	25%	28%
Total Aged Debt > 30 days (in millions)	\$0.5	\$1.0	\$0.3
Total Aged Debt 91+ Days (in millions)	\$0.3	\$0.4	\$0.1
Total Service Agreement Count > 30 Days (in thousands)	3.4	3.2	3.5
Total Service Agreement Count > 91+ Days (in thousands)	1.2	1.5	0.5

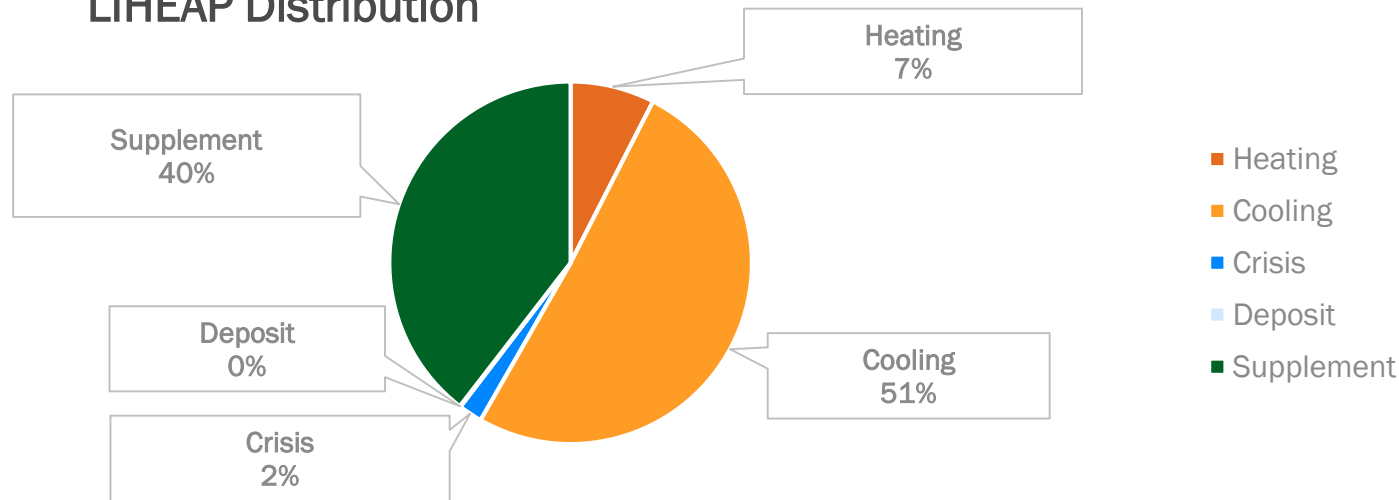
# Energy Assistance August 2020 YTD

Funding Source	Aug 2020 YTD	YOY Increase	Average Benefit	Distinct Accounts	# of Payments
Energy Assistance Program	\$214,577	32%	\$322	778	830
LIHEAP	\$4,355,761	38%	\$345	7,192	12,600
CARES Act	\$86,359	100%	\$438	191	197
Other Agencies Assistance	\$673,422	9%	\$254	1,815	2,654
<b>Total</b>	<b>\$5,330,119</b>	<b>35%</b>	<b>\$328</b>	<b>9,332</b>	<b>16,275</b>

CARES Act Update	9/11/2020
Applications In Progress*	2031
Completed Applications^	628
Average benefit	\$396
<b>Total Dollars Granted</b>	<b>\$182,572</b>

\*Customers that started their online application and are in the process of gathering documentation requirements  
 ^Customers that submitted their application with all documentation and was processed by Dollar Energy Fund

## LIHEAP Distribution





## Pre-Committee Agenda

GOVERNANCE PRE-COMMITTEE MEETING  
WEBEX VIDEOCONFERENCE  
Thursday, September 10, 2020 8:00 – 9:30 A.M.

1. Power with Purpose Update (30 min)
  - a. Objective: Provide an update on Power with Purpose project
2. Board Governance Workshop Review & Next Steps (15 min)
  - a. Objective: Confirm approach to next steps from the Board Governance Workshop
3. Policy Refinements Recommendations for GP-4, BL-5 and BL-7 (15 min)
  - a. Objective: Confirm recommendation for proposed policy refinements
4. SD-10: Ethics Monitoring Report (10 min)
  - a. Objective: Review monitoring report and confirm recommendation
5. Performance Review/Compensation Adjustment for Troy Via (20 Minutes)
  - a. Discuss the performance review for Troy Via and align on a recommendation for the Board regarding compensation adjustment
6. Summary of Committee Direction (2 min)
  - a. Objective: Senior management team liaison(s) to summarize direction provided by the committee



# Board Action

## BOARD OF DIRECTORS

September 15, 2020

### ITEM

Revisions of Board Policies GP-4: Agenda Planning and BL-7: Delegation to the President and Chief Executive Officer

### PURPOSE

To ensure full Board review, discussion and acceptance of revisions to Board Policies GP-4: Agenda Planning and BL-7: Delegation to the President and Chief Executive Officer

### FACTS

- a. The Governance Committee is responsible for evaluating and monitoring Board Policies GP-4: Agenda Planning and BL-7: Delegation to the President and Chief Executive Officer.
- b. The Governance Committee proposed revisions for Board consideration on September 15, 2020.
- c. The Governance Committee is recommending to the Board that Board Policies GP-4: Agenda Planning and BL-7: Delegation to the President and Chief Executive Officer be revised, as outlined on Exhibit A.

### ACTION

The Governance Committee recommends Board approval of the revisions to GP-4: Agenda Planning and BL-7: Delegation to the President and Chief Executive Officer.

RECOMMENDED:

APPROVED FOR BOARD CONSIDERATION:

/s/ Scott M. Focht


/s/ Timothy J. Burke

Scott M. Focht  
Sr. Director – Corporate Strategy &  
Governance

Timothy J. Burke  
President and CEO

Attachments:  
Exhibit A – Proposed Revisions  
Resolution


# Exhibit A

	<b>OMAHA PUBLIC POWER DISTRICT Board Policy</b>	<b>Category:</b>	Governance Process
	<b>Policy No. and Name:</b>  <b>GP-4: Agenda Planning</b>	<b>Monitoring Method:</b>	Governance Committee Board Report
		<b>Frequency:</b>	Annually
<b>Date of Approval:</b>	July 16, 2015 <u>                    </u> , <u>2020</u>	<b>Resolution No.:</b>	6070 <u>6xxx</u>

To accomplish its strategic leadership consistent with Board policies, the Board, in collaboration with the President and Chief Executive Officer (CEO), or his/her designees, shall develop and follow an agenda planning process that ensures the Board focuses on the strategic directives of OPPD and meets its other obligations as stated by law or policy.

Specifically:

- ~~In December of each year, the~~ The Board, in conjunction with the CEO, shall develop, monitor, and regularly update an annual- a work plan comprised of initiatives, topics and issues it wishes to explore or is required to address in the coming year over the next 12-month period, in order to guide OPPD staff in preparing agendas for standing committee meetings and regular Board meetings.
- The Corporate Secretary's office, under the direction of the CEO and the Board, shall prepare and issue an agenda for each committee meeting and regular Board meeting.
- Vice Presidents, with the approval of the CEO and Chair, can make necessary changes and additions to the agendas.
- Any individual Board Member may place any matter on the agendas.
- Matters may be placed on agendas for any Board meeting 24 hours preceding the meeting, except for items of an emergency nature.
- Items may be placed on the agendas as either an Action Item or a Reporting Item. Action Items require Board approval at the regular monthly Board meetings.
- The Board Chair shall review the Board's agendas to ensure they address Board items that have been identified on the ~~annual~~ work plan during the course of the year.
- The Corporate Secretary, under the direction of the CEO, and in coordination with the Committee Chairs and Vice Presidents, shall prepare and issue an agenda for each Board-related meeting.

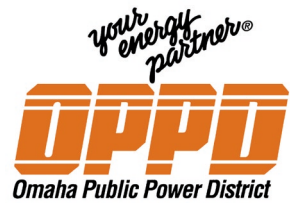
	<b>OMAHA PUBLIC POWER DISTRICT Board Policy</b>	<b>Category:</b>	Board Staff–Linkage
	<b>Policy No. and Name:</b>  <b>BL-7: Delegation to the President and Chief Executive Officer</b>	<b>Monitoring Method:</b>	Governance Committee Board Report
		<b>Frequency:</b>	Annually
<b>Date of Approval:</b>	July 16, 2015 <u>                    , 2020</u>	<b>Resolution No.:</b>	6070 <u>6xxx</u>

The Board will instruct the President and Chief Executive Officer (CEO) through written policies that define the results that the organization is to achieve, and which describe the delegation of authority to the CEO.

Specifically:

- The Board shall identify and define the vision and mission of OPPD, and establish the strategic directives of OPPD, communicating them in the form of policy.
- The Board shall develop policies that define the delegation to the CEO with regard to the CEO's authority.
- The CEO is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities related to the operations or business affairs of OPPD.
- The CEO shall manage, conduct and administer the affairs of the District in an efficient and economical manner.
- The CEO shall use prudent judgment in the exercise of the delegations and in a manner that is operationally and economically sound, serves the best interests of OPPD's customer-owners and the community, employs prudent business practices, balances the risks and benefits of the actions, and does not expose OPPD to unreasonable risk. If the CEO reasonably determines that an activity related to the delegations presents, regardless of the size of the financial commitment: (i) ~~an~~ a unique and significant operational risk to ~~the District in any way OPPD;~~ (ii) a significant impact to customers; (iii) a significant impact to community relations; (iv) a significant impact to OPPD's reputation; or (v) materially compromises the policies and goals established by the Board, the CEO shall timely inform the Board and may request that the Board take appropriate actions.
- The Board may change its delegation to the CEO at any time, subject to the conditions of the employment contract with the CEO, thereby expanding or limiting the authority of the CEO. However, as long as any particular delegation is in place, the Board will abide by the CEO's decisions in those areas that are delegated to him or her.





McGuire/Focht

**DRAFT**  
**RESOLUTION NO. 63xx**

**WHEREAS**, in September 2020, the District's Governance Committee proposed, and the Board of Directors reviewed, a recommendation to revise Board Policies GP-4: Agenda Planning and BL-7: Delegation to the President and Chief Executive Officer, as outlined on Exhibit A attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Omaha Public Power District that the revisions to Board Policies GP-4: Agenda Planning and BL-7: Delegation to the President and Chief Executive Officer, as set forth on the Exhibit A attached hereto, is approved and made a part thereof effective September 17, 2020.



# Board Action

## BOARD OF DIRECTORS

September 15, 2020

### ITEM

SD-10: Ethics Monitoring Report

### PURPOSE

To ensure full board review, discussion and acceptance of the 2020 SD-10: Ethics Monitoring Report

### FACTS

- a. The first set of Board policies were approved by the Board on July 16, 2015. A second set of Board policies were approved by the Board on October 15, 2015.
- b. Each policy was evaluated and assigned to the appropriate Board Committee for oversight of the monitoring process.
- c. The Governance Committee is responsible for evaluating Board Policy SD-10: Ethics Monitoring Report.
- d. The Governance Committee has reviewed the SD-10: Ethics Monitoring Report and is recommending that OPPD be found to be sufficiently in compliance with the policy as stated.

### ACTION

The Governance Committee recommends Board approval of the 2020 SD-10: Ethics Monitoring Report.

RECOMMENDED:

/s/ Martha L. Sedky

Martha L. Sedky  
Vice President – Human Capital

APPROVED FOR BOARD CONSIDERATION:

/s/ Timothy J. Burke

Timothy J. Burke  
President and CEO

MLS:cal

Attachments:

Exhibit A - Monitoring Report  
Resolution

# Monitoring Report SD-10 Ethics Governance Committee September 15, 2020

Mart Sedky, Vice President Human Capital



# SD-10: Ethics

It is essential that OPPD maintain the public trust and confidence in the integrity and ethical conduct of its Board of Directors and the OPPD employees. Therefore, to ensure the public interest is paramount in all official conduct, the Board shall adopt and update, as necessary, a Code of Ethics and Business Conduct (the “Code”). OPPD shall also maintain and enforce a code of conduct applicable to all employees.

Among other things the Code shall:

- Require high ethical standards in all aspects of official conduct;
- Establish clear guidelines for ethical standards and conduct by setting forth those acts that may be incompatible with the best interests of OPPD and the public;
- Require disclosure and reporting of potential conflicts of interests; and
- Provide a process for: (i) reporting suspected violations of the Code and policies; (ii) investigating suspected violations of the Code and policies; and, (iii) providing an annual report to the Board.

# Require high ethical standards in all aspects of official conduct

Board of Directors	Employees (Policy 3.01)
<ul style="list-style-type: none"><li data-bbox="428 572 715 629">• Loyalty</li><li data-bbox="428 658 1014 808">• Compliance with Applicable Laws</li><li data-bbox="428 836 1179 982">• Observance of Ethical Standards</li></ul>	<ul style="list-style-type: none"><li data-bbox="1309 572 1633 629">• Integrity</li><li data-bbox="1309 658 2020 893">• Compliance with Applicable Laws and Regulations</li><li data-bbox="1309 922 1939 1068">• Act in a Legal and Ethical Manner</li></ul>

# Establish clear guidelines for ethical standards and conduct by setting forth those acts that may be incompatible with the best interests of OPPD and the public

Board of Directors	Employees
<ul style="list-style-type: none"><li>• Conflicts of Interest</li><li>• Improper Conduct and Activities</li><li>• Compensation from non-Company Sources</li><li>• Personal Use of Company Assets</li><li>• Corporate Opportunities</li><li>• Gifts</li><li>• Business Courtesies</li><li>• Confidentiality</li><li>• Compliance</li></ul>	<ul style="list-style-type: none"><li>• Laws, Regulations, and Personal Conduct</li><li>• District Records, Property and Communications</li><li>• Use of Assets</li><li>• Confidentiality and Disclosure of Information</li><li>• Relationship with Vendors</li><li>• Travel for Business/Trade Organizations</li><li>• Employee and Customer Relations</li><li>• Political Office, Government Relations, and Public Service</li><li>• Conflicts of Interest</li><li>• Purchase and Sale of Goods and Services</li><li>• Fraudulent Activities</li><li>• Retention of OPPD Records</li><li>• Distribution and Acknowledgement of Policy</li><li>• Reporting Violations and Seeking Guidance</li><li>• Disciplinary Action</li></ul>

# Provide a process for: (i) reporting suspected violations of the Code and policies; (ii) investigating suspected violations of the Code and policies; and, (iii) providing an annual report to the Board

Board of Directors	Employees
<ol style="list-style-type: none"> <li>1. Communicate violations promptly to the Chair of the Governance Committee</li> <li>2. Potential violations investigated by the Governance Committee or person designated (legal counsel)</li> <li>3. Appropriate actions taken</li> <li>4. Report annually to the Board</li> </ol> <p><i>None reported for the previous 12-month period</i></p>	<ol style="list-style-type: none"> <li>1. Report anonymously through 3<sup>rd</sup> Party (Ethics Point)</li> <li>2. Report through Employee Concerns (FCS)</li> <li>3. Report through Human Capital</li> <li>4. Investigated by appropriate party/parties</li> <li>5. Appropriate actions taken</li> <li>6. Reported annually to the Board</li> </ol> <p><i>13 reported for the previous 12-month period – all investigated and appropriate action taken</i></p>

# Recommendation

The Governance Committee has reviewed and accepted this Monitoring Report for SD-10 and recommends that the Board find OPPD to be sufficiently in compliance with Board Policy SD-10.





McGuire/Sedky

**DRAFT**  
**RESOLUTION NO. 63xx**

**WHEREAS**, the Board of Directors has determined it is in the best interest of the District, its employees, and its customer-owners to establish written policies that describe and document OPPD's corporate governance principles and procedures; and

**WHEREAS**, each policy was evaluated and assigned to the appropriate Board Committee for oversight of the monitoring process; and

**WHEREAS**, the Board's Governance Committee (the "Committee") is responsible for evaluating Board Policy SD-10: Ethics on an annual basis. The Committee has reviewed the 2020 SD-10: Ethics Monitoring Report and finds OPPD to be sufficiently in compliance with the policy as stated.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors accepts the 2020 SD-10: Ethics Monitoring Report, in the form as set forth on Exhibit A attached hereto and made a part hereof, and finds OPPD to be sufficiently in compliance with the policy as stated.



# DRAFT Agenda

**OPPD BOARD OF DIRECTORS  
REGULAR BOARD MEETING  
Thursday, September 17, 2020 at 4:00 P.M.**

*Public may attend remotely by going to [www.oppd.com/BoardAgenda](http://www.oppd.com/BoardAgenda) to access the Webex meeting link and view instructions.*

## **Preliminary Items**

1. Chair Opening Statement
2. Safety Briefing
3. Guidelines for Participation
4. Roll Call
5. Announcement regarding public notice of meeting

## **Board Consent Action Items**

6. Approval of the July 2020 Comprehensive Financial and Operating Report, August 2020 Meeting Minutes and the September 17, 2020 Agenda
7. Nebraska City Station Unit 2 Cooling Tower Fill Replacement – Contract Award – Resolution No. 6391
8. SD-7: Environmental Stewardship Monitoring Report – Resolution No. 63xx
9. Revisions to Board Policies GP-4: Agenda Planning and BL-7: Delegation to the President and CEO – Resolution No. 63xx
10. SD-10: Ethics Monitoring Report and Directors Code of Ethics and Business Conduct Review – Resolution No. 63xx

## **Board Discussion Action Items**

11. [TBD]

## **Other Items**

12. President's Report ( mins)
13. Opportunity for comment on other items of District business
14. Adjournment

Please use the link below to find all committee and board agendas, materials and schedules. Board governance policies and contact information for the board and senior management team also can be found at [www.oppd.com/BoardMeetings](http://www.oppd.com/BoardMeetings).