



OPPDP BOARD OF DIRECTORS

BOARD MEETING MINUTES

August 17, 2023

The regular meeting of the Board of Directors of the Omaha Public Power District (“OPPDP” or “District”) was held on Thursday, August 17, 2023 at 5:00 p.m. at the Omaha Douglas Civic Center, 1819 Farnam Street, 2nd Floor Legislative Chamber, Omaha, Nebraska and via WebEx audio and video conference.

Present in person at the Civic Center were Directors A. E. Bogner, M. J. Cavanaugh, M. R. Core, S. E. Howard, J. M. Mollhoff, C. C. Moody, M. G. Spurgeon and E. H. Williams. Also present in person were L. J. Fernandez, President and Chief Executive Officer, S. M. Bruckner of the Fraser Stryker law firm, General Counsel for the District, E. H. Lane, Sr. Board Operations Specialist, and other members of the OPPDP Board meeting logistics support staff. Chair E. H. Williams presided and E. H. Lane recorded the minutes. Members of the executive leadership team present in person included: J. M. Bishop, K. W. Brown, S. M. Focht, C. V. Fleener, T. D. McAreavey, K.S. McCormick, L. A. Olson, M. V. Purnell, and B. R. Underwood. T. R. Via joined on WebEx.

Board Agenda Item 1: Chair Opening Statement

Chair Williams gave a brief opening statement, including reminders for using the WebEx audio and video conferencing platform.

Board Agenda Item 2: Safety Briefing

Josh Clark, Manager Protective Services provided physical safety reminders. President Fernandez provided psychological safety reminders, including current safety focus reminders about: (i) Speak up for safety; (ii) Helping hands; and (iii) Avoiding autopilot.

Board Agenda Item 3: Guidelines for Participation

Chair Williams then presented the guidelines for the conduct of the meeting and instructions on the public comment process in the room and using WebEx audio and video conferencing features.

Board Agenda Item 4: Roll Call

Ms. Lane took roll call of the Board. All members were present in person.

Board Agenda Item 5: Announcement regarding public notice of meeting

Ms. Lane read the following:

“Notice of the time and place of this meeting was publicized by notifying the area news media; by publicizing same in the Omaha World Herald, OPPD Outlets newsletter, oppd.com and social media; by displaying such notice on the Arcade

Board Minutes
August 17, 2023
Page 2

Level of Energy Plaza; and by e-mailing such notice to each of the District's Directors on August 11, 2023.

A copy of the proposed agenda for this meeting has been maintained, on a current basis, and is readily available for public inspection in the office of the District's Corporate Secretary.

Additionally, a copy of the Open Meetings Act is available for inspection on oppd.com and in this meeting room."

Board Consent Action Items:

6. Approval of the May and June 2023 Financial Reports, June 2023 Board Meeting Minutes and the August 17, 2023 Agenda.
7. Award RFP 6069 Fall 2023 Transmission Construction – Resolution No. 6581

It was moved and seconded that the Board approve the consent action items.

Chair Williams noted the Board discussed the action items during the All Committees meeting held on Tuesday, August 15, 2023.

Chair Williams then asked for public comment. There was no comment from the public in attendance at the meeting or via WebEx.

Thereafter, the vote was recorded as follows: Bogner – Yes; Cavanaugh – Yes; Core – Yes; Howard – Yes; Mollhoff – Yes; Moody – Yes; Spurgeon – Yes; Williams – Yes. The motion carried (8-0).

Board Discussion Action Items:

8. Near Term Generation – Resolution No 6582

Director Moody moved to approve the discussion action item and it was seconded by Director Bogner.

Chair Williams noted the Board discussed the action items during the All Committees meeting held on Tuesday, August 15, 2023. Director Moody thanked the District's leadership team for all of their hard work leading up to this vote, and thanked his fellow board members for the thoughtful dialogue with constituents. CEO Fernandez and B. R. Underwood, VP, Systems Transformation responded to a question from the board regarding demand response.

Chair Williams then asked for public comment. There were 5 comments from the public in attendance at the meeting.

Mr. Todd Cushing, 1623 Farnam St, data center operator, stressed the importance of clean, reliable energy for future growth in Omaha and expressed his support of the near term generation plan.

Board Minutes
August 17, 2023
Page 3

Ms. Katrina Tomsen, 817 S. 38th St. Unit 15, expressed concerns about radiation and biologically hazardous materials on health.

Mr. David Begley, 4611 S. 96th Street, provided comments on a future rate increase and amount being spent on the near term generation plan, and presented materials to the board which are attached to these minutes.

Mr. Laverne Thraen, 114th W. Maple, Omaha, provided comments on the existence of mercury in the environment.

Mr. Jeffery Pokorny, 7726 S. 162nd St, provided comments on the decommissioning of Fort Calhoun and the near term generation plan.

Chair Williams asked for comments from members of the public on WebEx. There were two comments.

Mr. David Corbin, 1002 N. 49th Street, representing the Nebraska Sierra Club, provided comments on the near term generation plan and the need to promote energy efficiency.

Mr. Kenneth Winston, Omaha, representing the Nebraska Interfaith Power and Light, provided comments on renewable energy in the near term generation plan and use of demand side management.

Chair Williams thanked the public for their comments and offered CEO Fernandez the opportunity to respond. Chair Williams offered members of the board the opportunity to comment as well.

Thereafter, the vote was recorded as follows: Bogner – Yes; Cavanaugh – Yes; Core – Yes; Howard – Yes; Mollhoff – Yes; Moody – Yes; Spurgeon – Yes; Williams – Yes. The motion carried (8-0).

9. SD-9: Integrated System Planning Policy Revision – Resolution No. 6583

Director Moody moved to approve the discussion action item and it was seconded by Director Bogner.

Chair Williams asked for public comment. There were five comments from the public in attendance at the meeting.

Mr. David Begley, 4611 S. 96th Street provided comments on state statutes governing OPPD and customer satisfaction.

Ms. Katrina Tomsen, 817 S. 38th St, Unit 15, provided comments on the Milgram study and 5G technology.

Mr. LaVerne Thraen, 114th W. Maple, provided comments on engagement of the board regarding the SD-9 revision.

Mr. Jeff Pokorny, 7726 S 162nd St, provided comments on holding closed session meetings and sharing information with the public.

Board Minutes
August 17, 2023
Page 4

Mr. Phil Green, 218 S. 16th St., City Administrator for Blair, NE, provided comments of support for OPPD and the detailed initiatives in SD-9.

Chair Williams asked for comments from members of the public on WebEx. There were two comments.

Mr. David Corbin, 1002 N. 49th Street, representing the Nebraska Sierra Club, provided comments on environmental consequences of using natural gas and fracking.

Mr. Ken Winston, Omaha, representing Nebraska Interfaith Power and Light, provided comments of appreciation and support for the use of renewable energy in future plans.

Chair Williams thanked the public for their comments and asked if any members of the board had any comments. Director Cavanaugh provided comments regarding his vote on the SD-9 revision.

Thereafter, the vote was recorded as follows: Bogner – Yes; Cavanaugh – No; Core – Yes; Howard – Yes; Mollhoff – Yes; Moody – Yes; Spurgeon – Yes; Williams – Yes. The motion carried (7-1).

Board Agenda Item 10: President's Report

President Fernandez next presented the following information:

- July Baseload Generation
- July Balancing Generation
- July Renewables
- New Peak Load Record
- K Junction Solar Summary
- Greener Together Program
- Inflation Reduction Act (IRA) Customer Resources
- Honor Our Community – Celebrating County Fairs
- Volunteering, Open Omaha and Community Celebrations
- Metro Community College – Sustainability Boot Camp
- Nebraska Lineworkers Rodeo
- In Memoriam – Duane Wilson

Board Agenda Item 11: Opportunity for comment on other items of District Business

Chair Williams asked for comments from the public in the room on other items of District business. There were four comments.

Mr. David Begley, 4611 S. 96th Street, Omaha, provided comments on the acquisition of K-Junction and climate change.

Ms. Katrina Thomsen, 817 S. 38th St, Unit 15, provided comments on radiation and urban heat islands.

Mr. Laverne Thraen, Omaha, NE, provided comments on the OPPD rate structure and the Inflation Reduction Act.

Board Minutes
August 17, 2023
Page 5

Mr. Jeffrey Pokorny, 7726 S 162nd St, provided comments on the cost of the near term generation plan and the affect of rate increases on low income members of the public.

Chair Williams asked CEO Fernandez to respond to in room public comments.

Chair Williams asked for comments from members of the public on WebEx. There were no comments.

There were no additional comments from the public in attendance at the meeting or via WebEx.

There being no further business, the meeting adjourned at 6:55 p.m.

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S. M. Focht
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S. M. Focht
Vice President – Corporate Strategy and
Governance and Assistant Secretary

DocuSigned by:
Erin Lane
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E. H. Lane
Sr. Board Operations Specialist

OPPD is a creature of statute. OPPD can only do what it is authorized by statute to do.

“The Board of Directors operates under the provisions of Neb. Rev. Stat. Ch. 70, Art. 6, also known as the Enabling Act.”
OPPD Policy, GP-1.

Prepared and submitted by: David D. Begley, customer-owner, 4611 South 96th Street, Omaha, NE.

Some state constitutions require a clean environment.

HI Const., Art. XI, §9

MT Const., Art. IX

PA Const., Art. I, §27

Some states have a net zero carbon law for utilities.

CO – C. R.S. §24-38.5-115

MN – Minn. Stat. 216B.1691

SC – S.C. Code Ann. §58-37-40

VA – CA Code Ann. §45.2-1710

WI – WI Executive Order #38

Nebraska has no such law or constitutional provision. Ergo, OPPD had no authority to adopt SD-7 net zero carbon goal. *Ultra vires* and contrary to law.

OPPD is required by law to provide only low cost power; not high cost power.

Three statutes in Chapter 70 of Neb. Rev. Stat. state that is the **public policy** of this state to provide power “at **as low cost as possible**, consistent with sound **business practices**.” Neb. Rev. Stat. §§70-1001, 70-1301 and 70-1501.

In 2023, Neb. Rev. Stat. §70-1001 amended by LB 565 and the word “reliability” was added.

RELIABILITY

“There are few things more predictable than the sun. We know when it comes up and sets every day of every month. It is very predictable and reliable.”

Javier Fernandez, OPPD CEO,
Omaha World-Herald, August 13, 2023.

“It is also known and predictable that the sun will set every night and OPPD customers won’t get solar power when they need it most.”

David D. Begley, OPPD customer.

$$2 + 2 = 5$$

OPPD CEO claims that solar and wind are low cost power. Probably relying on EIA and Lazard.

The Levelized Cost of Energy for solar and wind is much higher than natural gas.

\$472-\$272MWh v. \$93-27MWh.¹

EIA doesn't account for the cost to build new transmission lines or the cost of "backup" electricity with natgas or battery storage.

Net zero requires massive overbuilding. OPPD has already overbuilt to the tune of circa \$345m with Turtle Creek and Stand Bear Stations.

¹ I. Orr, J. Phelan and M. Rolling, "The High Cost of 100 Percent Carbon-Free Electricity by 2040," Center for the American Experiment website, September 2022.

EIA also doesn't account for the carbon dioxide emitted in order to mine the minerals needed for wind and solar.

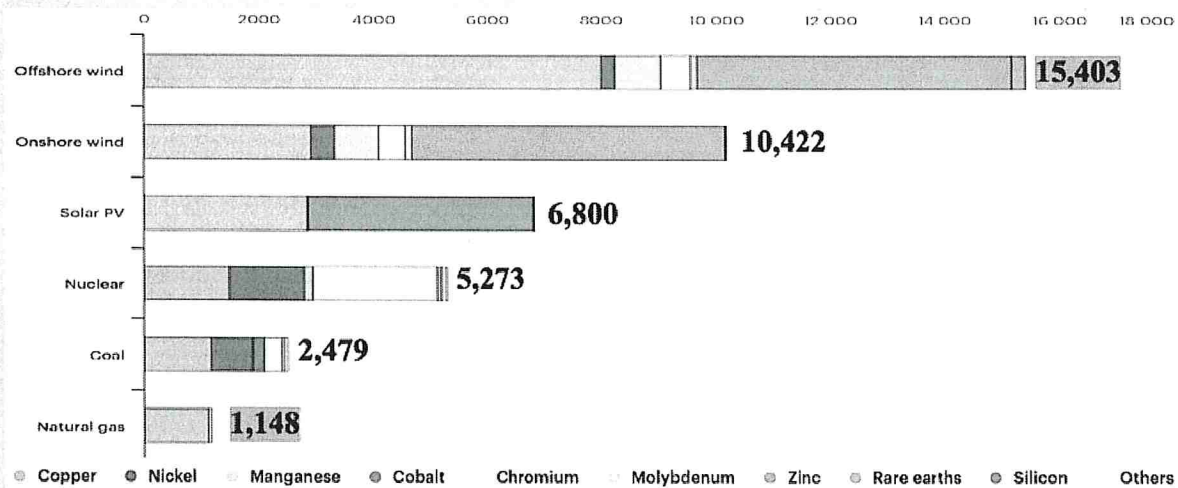
Bryce chart attached.

Wind: 10,422 kg of metals and minerals

Solar: 6,800

Natural gas: 1,148

The Iron Law of Power Density: The Lower The Power Density, The Greater The Resource Intensity



Kilograms of metals & minerals per MW of capacity

Source: IEA. <https://www.iea.org/data-and-statistics/charts/minerals-used-in-clean-energy-technologies-compared-to-other-power-generation-sources>

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OPPD 2022 Revenue Sources per OPPD Annual Report

Residential	\$462m or 33%
Commercial	\$336m or 24%
Industrial	\$291m or 20%

Load Levels per MW

	<u>2022</u>	<u>2032</u>	<u>Delta</u>
Residential	33%	22%	(11%)
Commercial	31%	21%	(10%)
Industrial	36%	57%	21%

Ergo, data centers should pay entire rate increase.

OPPD rates “shall be fair, reasonable and non-discriminatory.” Neb. Rev. Stat. §70-655 and OPPD Policy SD-2.

As a matter of Nebraska law, it is not fair and reasonable for OPPD to charge its non-data center residential and commercial customers for intermittent and unreliable power as it requires wasteful overbuilding.

Facebook and Google have contractually obligated OPPD to provide them with wind and solar power. Commercial and residential customers are paying for it and subsidizing the data centers. **That’s rate discrimination.**

People east of 42nd Street making Mark Zuckerberg richer.

SD-9 Integrated System Planning Policy

“Show me the incentive and I will show you the outcome.”

Charlie Munger, Omaha Central
High School, Class of '41

“What gets measured gets done.” Peter Drucker

Solution. Carrots and sticks.

1. Create an incentive pool that will pay out when certain deadlines are met; 10% of salary.
2. Amend employment contracts so that pay is reduced if deadlines are met; 10% of salary.

Prepared and submitted by: David D. Begley, customer-owner, 4611 South 96th Street, Omaha, NE.

OPPD, SD-5: Customer Satisfaction

“Achieving a high level of customer satisfaction is key to customer satisfaction.”

Customer-owner David D. Begley is very dissatisfied.

OPPD to pass a resolution approving \$2 billion plus in spending and borrowing and I can't speak for an additional 2 minutes.

OPPD won't disclose how much it spent on K-Junction Solar Project in York County

- Seller knew of OPPD's desperation to acquire more solar power to meet its aggressive goals.
- Seller knew OPPD was about to approve \$2b plus in spending on solar and wind energy.
- Seller knew OPPD was spending other people's money.
- Seller knew that OPPD's Board is not accountable for its overspending.
- **Result? OPPD taken to the cleaners on the purchase price.**



Britannica



Petition

We urge the United States government to reject the global warming agreement that was written in Kyoto, Japan in December, 1997, and any other similar proposals. The proposed limits on greenhouse gases would harm the environment, hinder the advance of science and technology, and damage the health and welfare of mankind.

There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will, in the foreseeable future, cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate. Moreover, there is substantial scientific evidence that increases in atmospheric carbon dioxide produce many beneficial effects upon the natural plant and animal environments of the Earth.


Please sign here

Please send more petition cards for me to distribute.

My academic degree is B.S. M.S. Ph.D. in the field of PHYSICS

“I can confidently say there is no real climate crisis and that climate change does not cause extreme weather events.”

John F. Clauser, PhD, 2022 Nobel Prize winner in Physics, remarks to Quantum Korea May, 2023.

“One of the saddest lessons of history is this: If we’ve been bamboozled long enough, we tend to reject any evidence of the bamboozle. We’re no longer interested in finding out the truth. The bamboozle has captured us. It’s simply too painful to acknowledge, even to ourselves, that we’ve been taken. Once you give a charlatan power over you, you almost never get it back.”

...

“You can’t convince a believer of anything; for their belief is not based on evidence, it’s based on a deep-seated need to believe.”

Carl Sagan, PhD, University of Chicago

**97% of climate scientists agree that
they don't want to be defunded**

