From:	Lauber, Joseph
To:	Foley, Mike
Cc:	Goins, Anthony
Subject:	FW: Re: Energy Company Request - Nebraska Revised Statute 57-1503
Date:	Thursday, May 7, 2020 11:48:08 AM
Attachments:	LB 1161 summary and analysis.docx Thompson v Heineman 2015 NE S Ct w highlights.rtf Transcanada keystone pipeline 8-23-19 NE SCt decision N00006778PUB (1).pdf LB 1161 Natural Resources Cte Hearing 2012-02-16.pdf LB1161 statement of intent w highlights.pdf

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Lt. Governor Foley,

Annette Kovar, Legal Counsel for DEE, has produced an excellent review attached as the "LB 1161 Summary and Analysis." Ultimately, I think the short answer is that Public Service Commission may be the better/safer option for the company. If you would like to discuss further, or schedule another call with me and Annette, please let me know.

Kind regards,

Joe

Joseph H. Lauber
Deputy Director – Operations
Chief Legal Officer

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From: Kovar, Annette <Annette.Kovar@nebraska.gov>
Sent: Thursday, May 7, 2020 11:18 AM
To: Lauber, Joseph <joseph.lauber@nebraska.gov>
Subject: RE: Re: Energy Company Request - Nebraska Revised Statute 57-1503

Hi Joe,

I have attached my thought and comments – with some explanation. I have also attached some highlighted documents that are referenced in my explanation. I am around all day today and tomorrow but have a lot of phone calls to catch up on with my staff. If you want to visit further about this, please give me a call or send me an email and I'll call you back.

Annette Kovar, Legal Counsel | **Nebraska Department of Environment and Energy**
402-471-3194 | P.O. Box 98922 , Lincoln, NE 68509-8922

From: Lauber, Joseph <joseph.lauber@nebraska.gov>
Sent: Wednesday, May 6, 2020 12:23 PM
To: Kovar, Annette <Annette.Kovar@nebraska.gov>
Subject: Re: Energy Company Request - Nebraska Revised Statute 57-1503

Hello Annette,

I left you a voicemail and here is the follow-up. Lt. Governor Foley has asked that the two of us confer on the legality/viability of a request by an energy pipeline carrier to obtain gubernatorial approval for a pipeline route pursuant to the provisions of Nebraska Revised Statute 57-1503. Essentially, this process bypasses the Public Service Commission. I have read the statute and a related case: Thompson V. Heineman, https://www.leagle.com/decision/inneco20150109162.

As I read it, the statute was not ultimately found to be unconstitutional.

Would you have some time to review and share your opinion with me? Please let me know if you have any questions or would like to discuss. My cell is 402-432-7095, landline is 402-825-1240. I am also working remotely.

Thank you,

Joe

Joseph H. Lauber
Deputy Director – Operations
Chief Legal Officer

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