

CITIZENS OPPOSED TO THE MERGER PRESS RELEASE

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Citizens Group Makes Case To Power Review Board

HOLDREGE – A decision to approve or deny the merger of Central Nebraska Public Power & Irrigation District and Dawson Public Power District now rests with the Nebraska Power Review Board.

Citizens Opposed to the Merger (COTM) presented its case to deny the merger on the last day of three days of hearings Feb. 15-17 in Lincoln. At the conclusion of the hearing, the Nebraska Power Review Board requested a further briefing from the parties and the decision may not be handed down for 60 days or more.

“We feel good about our presentation and our expert witnesses who testified,” COTM President Gary Robison said. Those who testified on behalf of COTM included Robison, Tom Schwarz of Bertrand; Brad Lundeen of Axtell; Don Wendell, formerly of Axtell; and Jim Yahn of Sterling, Colo.

Wendell, a CPA and former electric power industry executive, testified that CNPPID has a solid financial footing and does not need this merger. Yahn, a professional engineer who has managed irrigation districts for more than 30 years and currently manages an irrigation district on the South Platte that flows into CNPPID’s system, testified that he could not imagine why CNPPID would give up control of water assets. Yahn particularly noted that the McConaughy reservoir would become joint property of the combined district without fair compensation or any guarantees that Central’s invaluable water resources will be managed for the benefit of surface water irrigators and Nebraska agriculture. Yahn testified that the McConaughy reservoir could not be replaced today, but if it could, would cost tens of billions of dollars.

Robison said COTM representatives reiterated their concerns about giving up board representatives from the Tri-County area and the lack of protection for the water and the revenue from the electricity produced by the water that was written in the original charter.

“For more than 80 years, Central has managed the district to make sure that the water would be there for Nebraska farmers,” Robison said. “We want to keep it that way. This protest is about making sure the water will be here for another 80 years, then another 80 years after that.”

Robison said he and the COTM members were pleased with the hearing.

“We feel that we left the hearing room helping everyone understand that in our irrigation district, it’s important to have a board specifically elected to manage water,” Robison said. “That is paramount to controlling the water service agreement, which spells out annual water prices, yearly allocation, and ultimately the lake level at Lake McConaughy before restrictions would be considered.”

CNPPID and Dawson PPD boards voted to merge in October 2022. However, before the merger can become final it needs approval from the Power Review Board. Citizens Opposed to the Merger formed to stop the merger and retain local control of water and retain the value of the power that CNPPID generates in its reserve fund. The group had filed two lawsuits, including the one with the Power Review Board.

A second legal proceeding was commenced by COTM after the Nebraska Power Review Board determined that it did not have jurisdiction to determine issues concerning whether CNPPID had violated open meetings laws, or had violated state law by failing to fill a long-vacant board seat in Phelps County before the vote.

Recently, Phelps County District Court Judge Teri Harder ruled that COTM technically didn’t qualify as a proper legal party for purposes of legal standing. The Court acknowledged that the procedural technicality regarding standing did not affect the merits of the complaint, meaning that COTM was free to refile its complaint and join an individual as a “citizen of the state.” COTM has refiled the lawsuit and added Gary Robison’s name as an individual.

Citizens Opposed to the Merger has raised more than \$300,000 in its grassroots effort to stop the merger. A local business owner recently offered to match up to \$50,000 in new donations.