

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Joint	)	Application No. NG-100
Application of Black Hills Gas	)	
Distribution, LLC, and Black	)	
Hills/Nebraska Gas Utility	)	ORDER SETTING PROCEDURAL
Company, LLC, Rapid City, South	)	SCHEDULE, NOTICE OF
Dakota, seeking approval to	)	WORKSHOP, AND NOTICE OF
consolidate the Nebraska	)	HEARING
tariffs, assets, liabilities,	)	
and operations of the two	)	
companies, and to rename the	)	
consolidated entity Black Hills	)	
Nebraska Gas, LLC.	)	Entered: May 20, 2019

BY THE HEARING OFFICER:

On March 29, 2019, Black Hills Gas Distribution, LLC and Black Hills/Nebraska Gas Utility Company, LLC (collectively "Black Hills" or "Applicants") jointly filed an application seeking an order authorizing consolidation of the separate Nebraska tariffs, assets, liabilities, and operations of the two Applicants into one jurisdictional utility, which will be named Black Hills Nebraska Gas, LLC ("BH Nebraska Gas").

A planning conference was held on May 16, 2019. Commissioner Dan Watermeier, Nichole Mulcahy, and Sallie Dietrich appeared on behalf of the Commission. William Austin appeared for the Public Advocate, along with consultants Donna Mullinax and Howard Solganick, both of whom appeared telephonically. Doug Law appeared telephonically on behalf of the two Black Hills Energy entities (collectively "Black Hills").

As a result of the planning conference, several issues were decided. This order serves to memorialize those decisions and provide a timeline for proceeding in this docket.

**Deadlines and Procedural Schedule**

Deadlines and dates for various events are set forth in the attached Appendix A. Any requests for continuance of these dates must be submitted to the Commission **no later than five (5) business days** prior to the date in question.

The parties agreed to waive the requirement of Neb. Rev. Stat. § 66-1808(4), which would otherwise require the issuance of a final order within one hundred and eighty days beyond the date the

utility filed its application requesting the proposed tariff change.

### Service

Parties may meet filing deadlines outlined herein by sending an electronic copy of the filing via electronic mail to [deena.ackerman@nebraska.gov](mailto:deena.ackerman@nebraska.gov) and [sallie.dietrich@nebraska.gov](mailto:sallie.dietrich@nebraska.gov), so long as all parties are served via electronic mail contemporaneously with the email filing and a hard copy is received by the Commission within three (3) days of the email filing. Parties are responsible for maintaining an accurate service list.

### Discovery

All discovery responses are due within ten (10) business days of service, unless otherwise agreed to by the Parties. Any discovery request served after 3:00 p.m. CDT shall be considered filed the following day for purposes of calculating response time. Unless modified by the hearing officer for good cause, interrogatories, requests for admission, and requests for production of documents, including all subparts shall be limited to 300 total. Parties are expected to be reasonable in their interpretation of what may constitute a subpart for purposes of discovery limits.

All parties should provide a courtesy copy of any discovery requests and responses to the Commission. Such discovery requests and responses shall not be part of the official record unless offered and accepted as exhibits during the hearing on the application. Electronic service of discovery requests and responses shall be accepted.

Parties should reference Nebraska Discovery Rules for general guidance as to the conduct of discovery. Should this order conflict with any provision of the Nebraska Discovery Rules, this order controls. Parties should make efforts to resolve any discovery disputes.

### Workshop

At the planning conference, the parties agreed that it would be appropriate in this docket for the Commission to host a workshop in order to discuss and revise the consolidated tariff to take effect as a result of this docket. The workshop will be held on **July 23, 2019, beginning at 9:00 a.m. and ending at or before 4:00**

**p.m. CDT.** The workshop will be held in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

In order to facilitate discussion at the workshop, parties are expected to serve all parties with items for discussion at the workshop no later than **July 10, 2019, at 5:00 p.m. CDT.** Electronic service of agenda items shall be allowed. Following the circulation of the agenda items, the Commission will issue to the parties an agenda of discussion items.

If any party wishes to attend the workshop telephonically, they are instructed to notify the Commission at least two (2) business days prior to the beginning of the workshop. A conference line will be made available to those who make this request.

#### **Settlement**

All parties are encouraged to cooperate and engage in negotiations; however, the conduct of negotiations does not relieve the parties of their obligation to meet filing deadlines. Parties need not identify in settlement agreements specific dollar values attached to specific issues.

#### **Hearing**

A Hearing in Docket No. NG-100 will be held in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, on **Wednesday, October 2, 2019, at 10:00 a.m. CDT.**

#### **Hearing Fee/Accommodations**

The Applicant will arrange for a court reporter to record the hearing on this matter. Therefore, the hearing fee of one hundred twenty-five dollars (\$125.00) for each half-day should be waived consistent with Commission policy.

If auxiliary aids or reasonable accommodations are needed for attendance at either the workshop or the hearing to be held in this matter, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

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O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the deadlines and requirements established in this order and attached hereto are hereby adopted.

IT IS FURTHER ORDERED that a workshop in the above-captioned matter be, and it is hereby, scheduled for **July 23, 2019, at 9:00 a.m. CDT** as provided herein.

IT IS FURTHER ORDERED that a hearing in the above-captioned matter be, and it is hereby, scheduled for **Wednesday, October 2, 2019, at 10:00 a.m. CDT.** as provided herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 20th day of May, 2019.

BY:

A handwritten signature in black ink, appearing to read "Dan Watermeier", is written over a horizontal line.

Dan Watermeier  
HEARING OFFICER

**APPENDIX A****PROCEDURAL SCHEDULE**

March 29	Application Filed
May 1	Discovery Requests by Public Advocate filed
May 15	Applicants' Responses to discovery requests filed
June 21	Close of discovery period
July 10, by 5:00 p.m. CDT	Deadline for parties to file workshop agenda items with the Commission
July 15	Finalized agenda to be sent to parties
July 23, at 9:00 a.m. CDT	Workshop
August 23, by 5:00 p.m. CDT	Deadline for Applicants to file revised tariff
September 13, by 5:00 p.m. CDT	Deadline to file Public Advocate's report and/or testimony
September 20, by 5:00 p.m. CDT	Deadline for Applicants to file any response or rebuttal to Public Advocate's filings
September 25, by 5:00 p.m. CDT	Deadline to file pre-hearing motions, witness lists, and exhibit lists
September 27, at 9:30 a.m. CDT	Pre-hearing conference; argument on any pre-hearing motions (if necessary)
October 2, at 9:00 a.m. CDT	Hearing