

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. NG-109  
of Black Hills Nebraska Gas, )  
LLC, d/b/a Black Hills Energy, ) AMENDED ORDER SETTING  
Rapid City, South Dakota, ) PROCEDURAL SCHEDULE  
seeking approval of a general ) AND NOTICE OF HEARING  
rate increase. )  
) Entered: July 13, 2020

BY THE HEARING OFFICER:

On June 1, 2020, Black Hills Nebraska Gas, LLC, d/b/a Black Hills Energy ("Black Hills" or "Applicant") filed an application seeking a general rate increase.

A protest was filed by the Nebraska Public Advocate ("PA") on June 10, 2020, and was granted on June 29, 2020. The Public Alliance for Community Energy ("ACE") and the Nebraska Municipal Power Pool ("NMPP") also filed motions to intervene in this matter on June 29, 2020. The International Brotherhood of Electrical Workers Local 244 ("IBEW") also filed a motion to intervene on July 3, 2020. Each of these interventions was granted on July 10, 2020.

### Procedural Schedule

A planning conference was held on July 8, 2020. Douglas Law was present on behalf of Black Hills. Bill Austin, the Public Advocate, was present. Chris Dibbern was present on behalf of NMPP and ACE. IBEW was not present. Pursuant to the planning conference, a procedural schedule was set and is set forth below.

The schedule set forth in this order allows the Commission to enter a final order in this proceeding within 240 days from the date of filing. In constructing this schedule, the Commission is not making a final interpretation of the time period allowed under Neb. Rev. Stat. § 66-1838. The Commission adopts this timeframe only in recognition of the different possible interpretations of this statute.<sup>1</sup>

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<sup>1</sup> See Neb. Atty. Gen. Op. 11004 (2011); Commission Docket No. NG-67, Planning Conference Order and Hearing Notice, entered Nov. 8, 2011.

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## **A. Service**

Parties may meet filing deadlines outlined herein by sending an electronic copy of the filing via electronic mail to [psc.naturalgas@nebraska.gov](mailto:psc.naturalgas@nebraska.gov), so long as all parties are served via electronic mail contemporaneously.

## **B. Discovery**

All discovery responses are due within ten (10) days of service, unless otherwise agreed to by the Parties. Any discovery request served after 3:00 p.m. shall be considered filed the following day for purposes of calculating response time. Parties should reference the Nebraska Court Rules of Discovery in Civil Cases for general guidance as to the conduct of discovery. Should this order conflict with any provision of said Rules, this order controls. Parties should make efforts to resolve any discovery disputes.

All parties shall 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 they are offered and accepted as exhibits during the hearing on the application. Courtesy copies should be sent to [psc.naturalgas@nebraska.gov](mailto:psc.naturalgas@nebraska.gov).

## **C. Deadlines**

Deadlines for various events and filings were established through communication with the parties, and are set forth below. All hearing times and other times listed are in Central Time. All filings are due by 5:00 p.m. unless otherwise noted.

<b>Date</b>	<b>Event</b>
Monday, June 1, 2020	Application Filed
Monday, July 6	Protest Date
Wednesday, July 8, at 10:00 a.m.	Planning Conference
Friday, July 17	Deadline for Intervenors to file any responses to Applicant's motion to defer interim rates

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Friday, August 14	Final date for discovery requests to be served by Intervenors on Applicant
Friday, August 21	All discovery responses from Applicant due to Intervenors
Friday, August 28	Deadline for Intervenors to file Motions to Compel Responses to Discovery
Tuesday, September 1	Interim rates scheduled to go into effect
Monday, September 14	Deadline for Intervenors to file direct testimony, exhibits, workpapers, and witness lists
Week of September 21	Town Hall Meetings (via webconference; dates and times TBA)
Friday, September 25	Deadline for Applicant to serve discovery requests on Intervenors
Monday, October 5	All discovery responses from Intervenors due to Applicant
Friday, October 9	Deadline for Applicant to file Motions to Compel Responses to Discovery
Tuesday, October 13	Applicant's rebuttal testimony and exhibits due  Commission releases list of disputed issues
Monday, October 19	Deadline to file written objections, motions, or corrections to list of disputed issues
Thursday, October 22	Prehearing Conference (10:00 a.m.)  Witness lists due  Exhibit lists due
Monday, October 26 - Friday, October 30  9:00 a.m. - 4:30 p.m.	Hearing

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Wednesday, November 25	Post-hearing briefs due
Wednesday, December 2	Reply briefs due
Tuesday, December 8	Interlocutory Order issued releasing assumptions for purposes of calculating rates
Thursday, December 10, at 10:00 a.m.	Technical Conference
Tuesday, December 15	Applicant to file revised rates and supporting documentation
Friday, December 18, at 10:00 a.m.	Hearing on revised rates
Tuesday, January 26, 2021	Final order issued

## D. 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.

## E. Hearings

A hearing will be held in the above-captioned docket in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, on **Monday, October 26 through Friday, October 30, from 9:00 a.m. - 4:30 p.m. daily.** A one-hour lunch break will be taken each day from approximately 12:00 - 1:00 p.m., along with a fifteen-minute break each morning and afternoon. Webconference access will be made available to the parties.

A second hearing in this matter, relating to revisions to the rate structure following the Commission's interlocutory order, will be held in the above-captioned docket in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska, on **Friday, December 18, 2020, at 10:00 a.m.** Webconference access will be made available to the parties.

The Commission will arrange for a court reporter for the hearings in this matter, and an expedited transcript will be provided. The costs for the reporter's services and the transcripts will be assessed to the Applicant.

If auxiliary aids or reasonable accommodations are needed for attendance at the hearings, please call the Commission at (402)

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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.

## O R D E R

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

IT IS FURTHER ORDERED that a hearing on this matter will be held on **Monday, October 26 through Friday, October 30, 2020, from 9:00 a.m. - 4:30 p.m. daily** in the Commission Hearing room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

IT IS FURTHER ORDERED that a second hearing on this matter will be held on **Friday, December 18, 2020, at 10:00 a.m.** in the Commission Hearing room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 13th day of July, 2020.

BY:



Dan Watermeier  
HEARING OFFICER