

## SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the ) Application No. NG-110  
Application of WoodRiver Energy )  
Agriculture, LLC, Denver, )  
Colorado, seeking authority to ) ORDER GRANTING AUTHORITY  
operate as a Competitive )  
Natural Gas Provider in the )  
State of Nebraska. ) Entered: July 14, 2020

BY THE COMMISSION:

By application filed June 2, 2020, WoodRiver Energy Agriculture, LLC, of Denver, Colorado, ("Applicant") seeks authority to operate as a competitive natural gas provider ("CNGP") in the State of Nebraska. Notice of the application was published in the *Daily Record*, Omaha, Nebraska, on June 4, 2020. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

## OPINION AND FINDINGS

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 and 66-1849. Section 66-1849(1) provides in part:

The commission shall certify all competitive natural gas providers and aggregators providing natural gas services. In an application for certification, a competitive natural gas provider or aggregator shall reasonably demonstrate managerial, technical, and financial capability sufficient to obtain and deliver the services such provider or aggregator proposes to offer. The Commission may establish reasonable conditions or restrictions on the certificate at the time of issuance.

In addition, Commission Rules and Regulations specify requirements for an application for authority as a CNGP. See 291 Neb. Admin. Code § 9-011.

Applicant is a Nebraska limited liability company, holding its principal office in Lincoln, Nebraska. Applicant is affiliated with WoodRiver Energy, LLC, another CNGP certificated in Nebraska. Applicant submitted this CNGP application for the purpose of allowing WoodRiver Energy, LLC to assign ownership of its

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agricultural Choice program business to Applicant. Applicant states that it only intends to participate in the agricultural portion of Black Hills Nebraska Gas's Choice program. Applicant states that it will have no employees, only allocated expenses. Applicant intends to use existing facilities held by WoodRiver Energy, rather than building its own facilities.

In support of its application, Applicant submitted an organizational chart, a certificate of good standing to conduct business in Nebraska, a Consent For Use of Deceptively Similar Name signed by WoodRiver Energy, LLC, and its 2019 balance sheet. In addition, Applicant submitted information regarding the experience held by its managerial and technical personnel. There have not been any legal actions or formal complaints pertaining to the provision of competitive natural gas services filed against Applicant within the twelve months prior to filing this application, nor has Applicant had a license or certificate to supply competitive natural gas service revoked, denied or withdrawn.

Commission Staff Accountant, Steve Stovall, submitted his Direct Testimony and a Report on Regulatory Compliance, indicating that the financial statements submitted by Applicant provide evidence of adequate financial resources necessary to obtain and deliver the services that Applicant proposes to offer.

Based upon the information provided in the application and verified by affidavit, the Commission finds that the provisions of Neb. Rev. Stat. §§ 66-1848 and 66-1849 and applicable Commission Rules and Regulations are met. Applicant's application for authority should be granted, and Applicant should be issued a certificate of authority as a competitive natural gas provider consistent with the conditions set forth in this order.

### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. NG-110 is hereby granted, and WoodRiver Energy Agriculture, LLC is authorized to operate as a competitive natural gas provider within the State of Nebraska.

IT IS FURTHER ORDERED that this order be made the Commission's official certificate of authority to furnish the service authorized herein as competitive natural gas provider.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 14th day of July, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rock Johnson*  
*Crystal Hender*  
*Tim Schram*  
*Dee Watson*

*Mary Kadden*

Chair

ATTEST:

*Michael S. Hyatt*

Executive Director