

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Heartland) Application No. FC-1369
Natural Gas, LLC, Lincoln,)
Nebraska, v. Black Hills) ORDER GRANTING ADMISSION
Nebraska Gas, LLC, Lincoln,) PRO HAC VICE AND
Nebraska, regarding the Energy) SETTING ORAL ARGUMENT
Options Program.)
) Entered: October 6, 2020

BY THE HEARING OFFICER:

On September 3, 2020, Heartland Natural Gas, LLC, Lincoln, Nebraska ("Heartland," "HNG," "or "Complainant") filed a formal complaint with the Nebraska Public Service Commission ("Commission") against Black Hills Nebraska Gas, LLC, Lincoln, Nebraska ("Black Hills" or "Respondent") pursuant to Neb. Rev. Stats. §§ 66-1811 and 66-1849(2), and 291 Neb. Admin. Code § 1-004.03.

On September 18, 2020, Black Hills filed an Answer and a Motion to Dismiss the Complaint. In its Motion, Black Hills requests that the Commission "exercise its discretion to dismiss the Formal Complaint" under 291 Neb. Admin. Code § 1-004.03B.

On October 2, 2020, Heartland submitted a motion for the pro hac vice admission of Kelly A. Daly of Snell & Wilmer LLC, a nonresident attorney to practice in Nebraska on behalf of Heartland. This application was submitted through Andy Pollock, a resident of Nebraska, who is duly and regularly admitted to practice in the courts of record in this state. Ms. Daly is a practicing attorney in good standing for the courts of record in the State of Arizona and Washington, D.C. Being duly advised of the premises, I find this motion should be granted.

Also on October 2, 2020, Heartland also submitted a Brief in Opposition to Black Hills' Motion to Dismiss. In this brief, Heartland states that "genuine issues of material fact remain" in this matter, and that the motion to dismiss should therefore not be granted.

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I hereby find that an oral argument should be held on the Respondent's Motion to Dismiss. The oral argument is hereby set for **Monday, November 9, 2020, at 1:30 p.m. CST**, in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. Zoom webconference access will also be made available.

Each party will be given up to fifteen (15) minutes to present their arguments as to whether the Motion to Dismiss should be granted. Parties may reserve time for rebuttal if they so choose.

O R D E R

IT IS THEREFORE ORDERED that the motion for the pro hac vice admission of Kelly Daly should be granted, and Ms. Daly shall be granted leave to participate in the above-captioned proceeding in accordance with Neb. S. Ct. Rule § 3-122, and subject to the Rules of Professional Conduct, Neb. Ct. R. of Prof. Cond. §§ 3-501.0 to 3-508.5.

IT IS FURTHER ORDERED THAT that oral arguments on Black Hills' motion to dismiss the complaint should be set for **Monday, November 9, 2020, at 1:30 p.m. CST**, in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via Zoom webconference.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 6th day of October, 2020.

BY:


Rod Johnson
HEARING OFFICER