

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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| KINDER MORGAN, INC., |) FORMAL COMPLAINT NO. FC-1319 |
| |) |
| Complainant, |) |
| |) |
| v. |) ORDER DISMISSING COMPLAINT |
| |) WITHOUT PREJUDICE |
| CITY OF HASTINGS, NEBRASKA, a |) |
| municipal corporation, and its |) |
| municipal utilities department, |) |
| |) |
| Respondent. |) Entered: March 1, 2005 |

BY THE COMMISSION:

On June 14, 2004, Kinder Morgan, Inc. (KM) filed a formal complaint against the City of Hastings, Nebraska (Hastings), alleging dual piping of natural gas service in and around the city. In response to a Motion to Dismiss filed by Hastings, the Commission issued an order on August 31, 2004, denying the Motion to Dismiss. Thereafter, the parties engaged in settlement discussions, which the Commission monitored informally and by scheduling a Status Conference on January 31, 2005. The Status Conference was cancelled due to the parties achieving settlement.

On February 22, 2005, Kinder Morgan filed a Motion to Dismiss (Motion) its complaint without prejudice.

Being fully advised in the premises, the Commission finds that Kinder Morgan's Motion should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Commission that Kinder Morgan's Motion to Dismiss its complaint without prejudice is granted.

MADE AND ENTERED at Lincoln, Nebraska, this 1st day of March, 2005.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director