

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Kinder Morgan) Application No. FC-1331
Interstate Gas Transmission,)
LLC, Lakewood, Colorado vs.) HEARING OFFICER ORDER
Aquila, Inc., Omaha, and) SETTING PROCEDURAL SCHEDULE
Nebraska Resources Company, Tul-)
sa, Oklahoma, alleging viola-)
tions of the State Natural Gas)
Regulation Act.) Entered: September 16, 2008

BY THE HEARING OFFICER:

On May 10, 2008, Kinder Morgan Interstate Gas Transmission LLC (KMIGT), Lakewood, Colorado, filed a formal complaint against Aquila, Inc. (Aquila), Omaha, and Nebraska Resources Company (NRC), Tulsa, Oklahoma, alleging violations of the State Natural Gas Regulation Act.

Petitions for intervention filed by Northern Natural Gas (Northern); the Public Advocate; Northwestern Corporation d/b/a Northwestern Energy (Northwestern); and SourceGas Distribution, LLC (SourceGas) were granted by the Commission on July 15, 2008.

Aquila filed an Answer to the Complaint on June 16, 2008, and NRC filed an Answer on June 16, 2008, in addition to a Motion to Dismiss and Motion to Stay Discovery. On July 11, 2008, NRC filed a Request for action on Unopposed Motion to Dismiss. Subsequently, on July 16, 2008, Aquila filed a Motion to Dismiss, Motion to Stay Discovery and Request for Oral Argument. Briefs in support of the Motions to Dismiss were filed by Aquila and NRC. Additionally, KMIGT filed an Objection to Assessment on September 11, 2008.

A planning conference was held on September 15, 2008, at which time a procedural schedule was proposed and discussed.

The Hearing Officer finds that an oral argument regarding the pending Motions to Dismiss followed by a hearing on the Objection to Assessment shall take place on **September 23, 2008, at 1:00 p.m.** Oral argument regarding the Motions shall take place first. Each side shall be allowed twenty (20) minutes for argument. At the conclusion of the oral argument, a hearing on the Objection shall take place.

Pending order by the Commission regarding the Motions to Dismiss, all discovery shall be stayed.

If the Motions to Dismiss are denied, the parties shall proceed according to the following schedule:

All discovery requests, including any interrogatories, requests for production or notice of depositions shall be served no later than **October 17, 2008**. Responses to any discovery requests shall be served within **ten (10) business days**.

Parties shall file prefiled testimony, exhibits and any stipulations regarding facts no later than 5:00 p.m. on **November 4, 2008**. Each party shall file one (1) original and eight (8) copies with the Commission and provide an electronic copy via electronic mail to rose.price@psc.ne.gov.

Parties shall file any objections to prefiled testimony or exhibits no later than 5:00 p.m. on **November 10, 2008**. Should any oral argument be necessary regarding the objections, it shall take place at the opening of the hearing on this matter.

Hearing on this matter is scheduled to take place on **November 13, 2008, at 1:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the procedural schedule set forth herein is adopted.

IT IS FURTHER ORDERED that oral argument regarding the pending Motion to Dismiss shall take place on **September 23, 2008, at 1:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

IT IS FURTHER ORDERED that, hearing on the pending Objection to Assessment shall take place on **September 23, 2008**, immediately following the oral argument on the Motion to Dismiss.

IT IS FINALLY ORDERED that hearing on the formal complaint shall take place on **November 13, 2008, at 1:00 p.m.** at the Commission, 1200 N Street, 300 The Atrium, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of September, 2008.

By: *Alan Jundis*
Hearing Officer