

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Kinder Morgan)	Application No. FC-1331
Interstate Gas Transmission,)	
LLC, Lakewood, Colorado vs.)	
Aquila, Inc., Omaha, and)	HEARING OFFICER ORDER
Nebraska Resources Company, Tul-)	REGARDING POST HEARING
sa, Oklahoma, alleging viola-)	COMMENTS
tions of the State Natural Gas)	
Regulation Act.)	Entered: September 30, 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. Intervenors include Northern Natural Gas (Northern); the Public Advocate; Northwestern Corporation d/b/a Northwestern Energy (Northwestern); and SourceGas Distribution, LLC (SourceGas).

Aquila and NRC each filed Motions to Dismiss. Briefs in support of the Motions to Dismiss were filed by Aquila and NRC. A planning conference was held and the Hearing Officer entered an order establishing a procedural schedule on September 16, 2008. Oral argument on the Motions was held on September 23, 2008. At no time, did the Commission or the Hearing Officer request post-hearing comments or briefing on the issues. However, NRC stated during the oral argument that it would provide copies of the Federal Energy Regulatory Commission (FERC) cases upon which it relied.

On September 24, 2008, NRC provided via email copies of the FERC cases; however, NRC also included another document providing analysis and additional argument regarding the Motions and FERC cases. These documents were not served by NRC on all parties and no hard copy has been filed with the Commission. Due to the fact that no post hearing comments or briefs had been requested, other parties were offered the opportunity to respond to NRC's filing. KMIGT filed a response. Subsequently, NRC filed a reply on September 29, 2008.

The Hearing Officer finds that NRC's September 29, 2008 filing will not be considered. Furthermore, no additional briefing or comment on the pending motions will be accepted.

Application No. FC-1331

Page 2

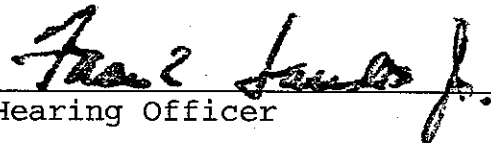
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that NRC's September 29, 2008 filing will not be considered with respect to the Motions to Dismiss currently pending before the Commission.

IT IS FURTHER ORDERED that no further briefing or written comment on the pending motions will be accepted.

MADE AND ENTERED at Lincoln, Nebraska, this 30th day of September, 2008.

By:


Hearing Officer