

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	)	SCHEDULING PLANNING
Nebraska Resources Company, Tul-	)	CONFERENCE
sa, Oklahoma, alleging viola-	)	
tions of the State Natural Gas	)	
Regulation Act.	)	Entered: July 28, 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 were filed by Northern Natural Gas (Northern) on June 10, 2008; the Public Advocate on June 11, 2008; Northwestern Corporation d/b/a Northwestern Energy (Northwestern) on June 13, 2008; and SourceGas Distribution, LLC (SourceGas) on June 18, 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.

Petitions for intervention were granted by the Commission on July 15, 2008. Subsequently, on July 16, 2008, Aquila filed a Motion to Dismiss, Motion to Stay Discovery and Request for Oral Argument. On July 23, 2008, KMIGT filed Comments and Suggestions of KMIGT Regarding Hearing Officer's Order Scheduling Planning Conference.

The planning conference took place on July 24, 2008. Parties discussed the manner by which the various pending motions should be addressed. During the planning conference parties proposed and agreed to file a brief regarding the initial issue of whether the Commission has the jurisdiction to entertain a motion to dismiss. However, after further consideration, the Hearing Officer finds that it would be a more efficient use of Commission resources for parties to have the opportunity to fully brief the issues presented by the motions to dismiss.

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Therefore, the hearing officer finds that parties should be given an opportunity to brief all issues presented by the pending motions to dismiss and to stay discovery. Any party wishing to brief the issue shall file their brief no later than **5:00 p.m. on Friday, September 5, 2008**. Parties should submit one original and eight copies and should email an electronic copy to [angela.melton@psc.ne.gov](mailto:angela.melton@psc.ne.gov).

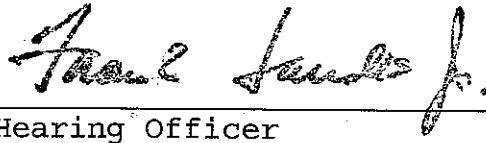
Furthermore, a planning conference is also scheduled, in the event it is necessary, for **September 15, 2008 at 2:30 p.m.** in the Niobrara Conference Room at the Commission, 1200 N Street, Suite 300, Lincoln, Nebraska. Parties wishing to participate via telephone should dial 402-472-6290.

## O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that a planning conference is scheduled for **September 15, 2008, at 2:30 p.m.** in the Niobrara Conference Room at the Commission, 1200 N Street, 300 The Atrium, Lincoln, Nebraska. Those parties wishing to participate via telephone should call 402-472-6290.

MADE AND ENTERED at Lincoln, Nebraska, this 28th day of July, 2008.

By:

  
Hearing Officer