

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

Tim Edens, North Platte,	)	Application No. FC-1333
Nebraska, Complainant	)	
	)	
v.	)	
	)	PLANNING CONFERENCE ORDER
NorthWestern Corp.	)	
d/b/a NorthWestern Energy,	)	
Respondent, alleging inaccurate	)	
billing.	)	
	)	Entered: May 27, 2009

BY THE HEARING OFFICER:

On April 15, 2009, the Nebraska Public Service Commission (Commission) received a formal complaint from Tim Edens (Complainant) against NorthWestern Corp. d/b/a NorthWestern Energy (Respondent).

On or about May 13, 2009, Respondent filed an Answer. A planning conference was held on May 27, 2009. As a result of the planning conference, several issues were decided. Therefore, this order serves to memorialize those decisions and to provide a timeline for proceeding in this docket.

Parties have agreed that no discovery requests or depositions are necessary.

The hearing in Formal Complaint No. FC-1333 will be held on **June 22, 2009, at 1:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via video conference at the Education Service Unit #16, Distance Learning Room, 1221 W. 17th Street, North Platte, Nebraska.

Should the parties wish to submit affidavits in lieu of live testimony, each shall notify the Commission in writing no later than **June 3, 2009**. Affidavits must include all relevant exhibits and must be notarized. If parties choose to proceed with the submission of affidavits, all affidavits must be filed with the Commission and served on the other party via first class mail no later than 5:00 p.m. on **June 15, 2009**.

Should the parties wish to proceed to hearing, each party shall file an exhibit and witness list with the Commission, including copies of all exhibits to be presented at the hearing no later than 5:00 p.m. on **June 15, 2009**. Copies of the exhibit and witness lists and the exhibits shall be served on the opposing party via first class mail.

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The Complainant will present his case first, followed by the Respondent. The Complainant may request time for rebuttal at the conclusion of the Respondent's witnesses. Each party shall have the opportunity to present witnesses on their behalf. All witnesses will be subject to cross examination by the opposing party and questions from the Commission and Commission staff.

If auxiliary aids or reasonable accommodations are needed for attendance at the hearing, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

Any remaining pre-hearing issues that the parties would like to address should be brought before the Commission prior to hearing.

Parties are encouraged to continue to negotiate in an effort to reach settlement.

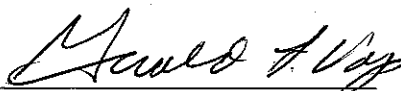
O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that the foregoing schedule for submission and service of the items discussed above is hereby adopted.

IT IS FURTHER ORDERED that a hearing in Formal Complaint No. FC-1333 will be held on **June 22, 2009, at 1:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska and via video conference at the Education Service Unit #16, Distance Learning Room, 1221 W. 17th Street, North Platte, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of May, 2009.

BY:

  
Gerald Vap