

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of NorthWestern     ) Application No. NG-0006.1  
Corporation, Sioux City, South     )  
Dakota, seeking authority to     ) ORDER DISMISSING  
amend Rate No. 99 Tariff pur-     ) INTERVENTION  
suant to *Neb. Rev. Stat.*     )  
section 66-1808.     ) Entered: April 15, 2008

BY THE COMMISSION:

O P I N I O N     A N D     F I N D I N G S

On January 15, 2008, NorthWestern Corporation (NorthWestern) filed Rate no. 99 Tariff Amendment filing pursuant to *Neb. Rev. Stat. § 66-1808* (Tariff Change). On February 13, 2008, the Public Advocate filed a Petition for Formal Intervention and to Suspend Operation and Effective Date of Proposed Tariff Changes (Petition).

"Unless the commission otherwise orders, no jurisdictional utility shall make effective any changed rate or any term or condition of service pertaining to the service or rates of such utility, except by filing the same with the commission at least thirty days prior to the proposed effective date."<sup>1</sup>

"If the commission does not suspend the proposed change within thirty days after the date the same is filed by the utility, such proposed change shall be deemed approved by the commission and shall take effect on the proposed effective date."<sup>2</sup>

The thirty-day period for the Commission to suspend the proposed change expired on February 14, 2008. The Public Advocate filed Petition prior to February 14th, within 30 days from the date the Tariff Change was filed by NorthWestern. However, the Commission did not have an opportunity to enter an order suspending the Tariff Change, as its next scheduled public meeting did not take place within 30 days. Therefore, by operation of statute, NorthWestern's Tariff Change took effect rendering the Petition filed by the Public Advocate moot.

The Commission finds that based upon the above, the Petition shall be dismissed.

---

<sup>1</sup> *Neb. Rev. Stat. § 66-1808(2)* (2006 Cum. Supp.).

<sup>2</sup> *§ 66-1808(4)*.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Petition for Formal Intervention and to Suspend Operation and Effective Date of Proposed Tariff Changes is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 15th day of April, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director