

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Aquila, Inc.,     ) Application No. NG-0007.3  
d/b/a Aquila (Aquila), Omaha,     )  
seeking to lower current            ) ORDER GRANTING:  
interim delivery charge to         ) FORMAL INTERVENTION AND  
reflect the level of revenue        ) SUSPENSION OF OPERATION OF  
deficiency currently under         ) PROPOSED TARIFF CHANGES  
appeal in the Lancaster County     ) AND NOTICE OF ASSESSMENT  
District Court.                     )  
                                      ) Entered: October 2, 2007

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

On or about September 6, 2007, Aquila, Inc., d/b/a Aquila (Aquila) filed Proposed Changes in Tariffs to become effective September 15, 2007. The proposed change was to lower the current interim delivery charge to reflect the level of revenue deficiency currently under appeal in the District Court as a result of the Commission's July 24, 2007 Order, in *In the Matter of Aquila, Inc. d/b/a Aquila Networks (Aquila), Omaha, seeking individual rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three*, Application No. NG-0041.

On September 24, 2007, the Public Advocate filed a Petition for Formal Intervention, requesting that the operation and effective date of the proposed change be suspended and deferred pending completion and approval of a refund plan and further discussions between the parties regarding changes to the proposed changes.

The Commission being fully advised in the premises, finds that the Public Advocate's Petition for Formal Intervention should be granted.

The Commission further finds that consistent with *Neb. Rev. Stat. § 66-1808(3)* a suspension of the operation of the Proposed Changes in Tariffs is in the public interest and should be granted pending a hearing on the matter to be scheduled at a date later to be determined.

The Commission also finds that it may be necessary to assess certain expenses associated with this docket to Aquila, pursuant to *Neb. Rev. Stat. § 66-1840*. The Commission hereby provides notice to the utility, as required by *Neb. Rev. Stat. §66-1840*, that expenses may be assessed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Public Advocate's Petition for Formal Intervention is granted.

IT IS FURTHER ORDERED that operation of the Proposed Changes to Tariffs filed by Aquila on or about September 6, 2007, shall be suspended pending resolution of the issues outlined in the Public Advocate's Petition and, hearing on the matter to be scheduled at a date later to be determined should it become necessary.

IT IS FINALLY ORDERED that Aquila is hereby given notice of assessment as required by *Neb. Rev. Stat.* § 66-1840 and a copy of this order shall be mailed to Aquila.

MADE AND ENTERED at Lincoln, Nebraska, this 2nd day of October, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director