

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Black Hills)	Application No. NG-0007.6/
Energy, Omaha, seeking to amend)	PI-151
the Black Hills Energy Tariff)	
with the Third Revised Tariff)	ORDER DENYING FORMAL
Sheet Index No. 8, to provide)	INTERVENTION AND GRANTING
for an Annual Retail Service)	INFORMAL INTERVENTION
Credit, pursuant to Neb. Rev.)	
Stat. sec. 66-1808.)	Entered: August 31, 2009

BY THE HEARING OFFICER:

The Nebraska Public Service Commission ("Commission") opened the above-captioned proceeding to review the Revised Tariff Sheet filed by Black Hills on May 29, 2009, and suspending the proposed Black Hill tariff provisions until further Order of the Commission.

On August 24, 2009, a Petition for Formal Intervention was filed by Constellation NewEnergy-Gas Division ("Constellation"). Pursuant to the Commission's Rules of Procedure, Neb. Admin. Code, Title 291, Ch. 1 § 015.01B (1992), interested parties have 30 days from the date of the issuance of the public notice in a proceeding to file a Petition for Formal Intervention in said proceeding. Notice of the above-captioned proceeding was published on June 23, 2009, making the deadline to Petition for Formal Intervention, July 23, 2009. Therefore, Constellation's Petition for Formal Intervention is out of time. Constellation is however, still able to participate in the above-captioned proceeding as an Informal Intervenor. Therefore, being fully advised in the premises I find that the Petition of Constellation for Formal Intervention should be denied and Constellation should be granted the status of an Informal Intervenor in the above-captioned proceeding.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that Constellation NewEnergy-Gas Division's Petition for Formal Intervention be, and is, hereby denied.

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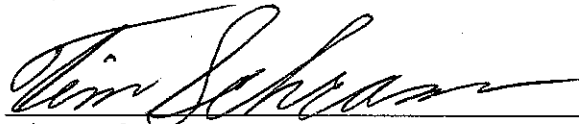
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IT IS FURTHER ORDERED that Constellation NewEnergy-Gas Division should be granted Informal Intervention in the above-captioned matter.

MADE AND ENTERED in Lincoln, Nebraska on this 31st day of August, 2009.

BY:

A handwritten signature in black ink, appearing to read "Tim Schram", is written over a horizontal line.

Tim Schram
HEARING OFFICER