

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Post Rock Gas,        ) Application No. NG-0014  
LLC, Tulsa, Oklahoma, seeking        )  
authority as a competitive            ) AUTHORITY GRANTED  
natural gas provider in the            )  
state of Nebraska.                    ) Entered: February 3, 2004

BY THE COMMISSION:

By application filed December 15, 2003, Post Rock Gas, LLC (Post Rock or Applicant), Tulsa, Oklahoma, seeks authority as a competitive natural gas provider (CNGP) in the state of Nebraska. Notice of the application was published in the Daily Record, Omaha, Nebraska, on December 17, 2003. The applicant also sought temporary authority, notice of which was published in the Daily Record on December 22, 2003. Temporary authority was granted by Order of the Commission in this docket on January 13, 2004.

The deadline for filing a protest or petition for intervention was January 16, 2004. Because no protests or petitions for intervention were filed, the Commission may process this application by modified procedure, pursuant to the Commission Rules of Procedure, 291 Neb. Admin. Code, Ch. 1, Rule 018.3.

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

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 to 66-1849 (2003 Supp.). Section 66-1849 provides in part:

The commission shall certify all competitive natural gas providers and aggregators providing natural gas services. In an application for certification, a competitive natural gas provider or aggregator shall reasonably demonstrate managerial, technical, and financial capability sufficient to obtain and deliver the services such provider or aggregator proposes to offer. The commission may establish reasonable conditions or restrictions on the certificate at the time of issuance.

In addition, Commission rules and regulations specify requirements for an application for authority as a CNGP. See, 291 Neb. Admin. Code, Ch. 9, Rule 009.

In support of its application, Post Rock submitted a copy of an audited financial statement. Post Rock also provided a copy of its Certificate of Authority to Transact Business in

Nebraska. In its application, Post Rock states that it is an affiliate of Seminole Energy Services, and is an Oklahoma limited liability company. Post Rock has not had any legal action or formal complaints pertaining to the provision of competitive natural gas services filed against the company within the twelve months prior to filing this application, nor has it had a license or certificate to supply competitive natural gas services revoked, denied or withdrawn.

In addition, Post Rock submitted the affidavit of Kirk McClymont, verifying the managerial and technical expertise of himself, Kirk McClymont - Director of Agricultural Marketing for Natural Gas Transport; Robert Rosene, Jr. - Manager; and Daniel Frey - Manager.

Commission Staff Accountant Steve Stovall submitted an affidavit attesting that the financial statements submitted provide evidence of adequate financial resources necessary to obtain and deliver the services the Applicant proposes to offer.

Based upon the information provided in the application and by affidavits, the Commission finds that the provisions of Neb. Rev. Stat. §§ 66-1848, 66-1849 and applicable Commission rules and regulations are met. Post Rock's application for authority should be granted, and that Post Rock should be issued a certificate of authority as a competitive natural gas provider consistent with the conditions set forth in this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the application for authority is hereby granted.

IT IS FURTHER ORDERED that this order be, and it is hereby made, the Commission's official certificate of authority to furnish the service authorized herein as a competitive natural gas provider.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of  
February, 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Vice Chairman

ATTEST:

Executive Director