

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Kinder Morgan,	)	Application No. NG-0040
Inc., Houston, Texas; KM Retail	)	
Utilities Holdco LLC, Houston,	)	PLANNING CONFERENCE ORDER,
Texas; Source Gas Distribution	)	NOTICE OF HEARING, AND
LLC, Lakewood, Colorado, seeking	)	INTERVENTIONS GRANTED
approval of asset transfer of	)	
jurisdictional utility assets.	)	Entered: November 21, 2006

BY THE COMMISSION:

On September 29, 2006, Kinder Morgan, Inc. (Kinder Morgan) filed a joint application seeking approval of the proposed transfer of Kinder Morgan, Inc.'s Nebraska Certificate of Convenience and utility assets to Source Gas Distribution LLC related to a management buyout of Kinder Morgan.

**Petitions for Intervention**

A Petition for Formal Intervention was timely filed by the Public Advocate. The Commission being fully advised in the premises finds that the petition of the Public Advocate should be granted.

**Planning Conference**

In order to process this filing, a planning conference was held in this matter on November 13, 2006, at 1:30 p.m. CST in the Commission Library, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. The following persons were present at the conference: for Kinder Morgan, Steve Bruckner of Fraser Stryker; for Source Gas LLC, a GE company, Mark Fahleson of Rembolt Ludtke; for the Public Advocate, Jack Schultz of Harding Schultz and Downs; Doug Law of Blackwell Sanders Peper Martin; Steve Seglin of Crosby Guenzel; and for the Commission, Nichole Underhill with Director Laura Demman participating via telephone.

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 the proceeding in this docket.

**Deadlines**

Deadlines for various events were established and are set forth in Appendix A.

**Service**

The official service list for this proceeding is set forth in Appendix B of this order. All persons are responsible for updating their own list.

Assumptions regarding time of receipt: The Commission will assume that documents served in the following manner were received by the following dates:

**Method of Service****Date of Receipt**

In person or by agent  
Regular mail, certified mail,  
or  
Registered mail

Date of filing  
Three days after  
mailing

**Method of Service****Date of Receipt**

Facsimile sent before 3:00 p.m.  
CST on a business day

Date facsimile sent

E-mail sent before 3:00 p.m.  
CST on a business day

Date E-mail sent

Documents sent by facsimile or e-mail shall also be filed with a paper copy via mail.

Parties are encouraged to engage in negotiations; however, the conduct of negotiations does not relieve the parties of their obligation to meet filing deadlines.

**Discovery**

Requests: Discovery requests or Commission staff information requests shall be served upon all Formal Intervenors on the service list.

Answers: Answers to discovery requests should be made as soon as possible and no later than ten (10) business days from the date of receipt. All answers shall be served upon the propounding party, the Public Advocate and the Commission. Upon written request, one copy of answers to discovery requests shall be provided to other formal intervening parties.

Scope of Discovery: The scope of discovery in this proceeding shall be limited to information relevant to the application filing.

Objections and Motions to Compel Discovery: Unless the Commission determines that an oral argument is necessary, discovery disputes will be resolved based on the written pleadings, any sworn affidavits attached thereto, and materials, if any, provided for in camera inspection. A party seeking a motion to compel must demonstrate that it has in good faith conferred or attempted to confer with the non-responsive party in an effort to secure disclosure without Commission action. Material that is the subject of a successful motion to compel shall be supplied within three business days of receipt of the order granting the motion to compel, or such other date as ordered by the Commission.

Depositions: Depositions may be taken pursuant to the Nebraska Supreme Court Discovery Rules. Depositions shall be taken at a time and place agreed upon by the parties, but in accordance with the deadlines set forth in Appendix A. With permission of the Commission, depositions will be admissible at hearing.

Work Papers: Work papers of other Formal Intervenors or Commission must be presented at the same time testimony is due.

All filed comments and exhibits must be numbered.

### **Prefiled Testimony - Intervenor Comments - Applicant's Response**

Service of Prefiled Testimony: Prefiled testimony from the parties on the service list is not required. However, Formal Intervenors must file testimony on or before the deadline set forth on Appendix A if their formal positions are to be included into the formal record created for this proceeding.

### **Prehearing and Technical Conference**

The Commission anticipates that a technical conference will be held in this matter the date set forth in Exhibit A. Issues such as prehearing and settlement opportunity hearing procedures, and other necessary discussion items will be addressed at that time.

### **Hearing Fee and Accommodations**

A hearing fee of one hundred twenty-five dollars (\$125.00) for each half-day of each hearing will be charged to the Applicants payable upon billing from the Executive Director of the Public Service Commission (Neb. Rev. Stat. § 75-128, Cum. Supp. 2002).

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If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, 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.

O R D E R

IT IS THEREFORE ORDERED by the Commission in the above-captioned matter that the Public Advocate's Petition for Formal Intervention be and is hereby granted.

IT IS FURTHER ORDERED that the deadlines and requirements established in this order and attached hereto are hereby adopted.

IT IS FURTHER ORDERED that a Technical and Prehearing Conference will be held on **January 17, 2007, at 1:30 p.m. CST** in the Commission Library, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

IT IS FURTHER ORDERED by the Commission in the above-captioned matter that a Hearing will be held on **February 14, 2007, at 10:00 a.m. CST** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of November, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s// Lowell C. Johnson

  
Chairman:

ATTEST:

  
Executive Director

**APPENDIX A****PROCEDURAL SCHEDULE**

<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>EVENT</u></b>
Monday	November 13	Planning Conference Held
Tuesday	November 21	Planning Conference Order Issued
Friday	December 22	Discovery on Applicant's Testimony Ends
Monday	January 8	Testimony (if any) of Intervenor Filed
Tuesday	January 9	Discovery on Intervenor Testimony Begins
Wednesday	January 17	Discovery on Intervenor Testimony Ends
Wednesday	January 17	Prehearing and Technical Conference
Wednesday	January 24	Rebuttal Testimony (if any) Filed
Wednesday	February 14	Hearing
Wednesday	February 14	Optional Trial Briefs Filed
Wednesday	February 21	Optional Briefs with Proposed Orders Filed
Tuesday	February 27	Order on Application Anticipated

**Exhibit B**

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