

In the Matter of the Petition of ) Application No. NG-0047/  
the Nebraska Public Advocate for ) DR-0002  
a Declaratory Ruling, seeking a )  
determination that Kinder Mor- )  
gan, Inc., n/k/a SourceGas Dis- ) ORDER SUSPENDING ASSESSMENT  
tribution LLC, improperly imple- )  
mented interim and final rates )  
in Application No. NG-0036 for )  
which customers are entitled to )  
a credit or refund. ) Entered: August 28, 2007

## BY THE COMMISSION:

On May 15, 2007, the Nebraska Public Advocate filed an application seeking a determination that Kinder Morgan, Inc., n/k/a SourceGas Distribution LLC, improperly implemented interim and final rates in Application No. NG-0036 for which customers are entitled to a credit or refund. On June 18, 2007, SourceGas, LLC, f/k/a Kinder Morgan, Inc., filed a Response and Motion to Dismiss.

On July 6, 2007, the Public Advocate filed a Withdrawal Without Prejudice of Petition for Declaratory Ruling (Withdrawal), which was approved by the Commission on July 10, 2007. Subsequently, the Public Advocate filed Application No. FC-1327 seeking a determination that Kinder Morgan, Inc. and/or its successor in interest, SourceGas Distribution, LLC improperly implemented, billed and received payment for interim and final rates in Application No. NG-0036 for which customers are entitled to a credit or refund.

On August 1, 2007, the Commission entered Assessment Order HS-001 in the amount of \$2,348.60. On August 20, 2007, SourceGas filed an Objection to the Cost Assessment (Objection) pursuant to *Neb. Rev. Stat. § 66-1844(1)*.

Being fully advised in the premises, the Commission finds that pending resolution of the Objection, that portion of the assessment on the invoice at issue shall be suspended.

## O R D E R

IT IS THEREFORE ORDERED by the Commission that assessment on the portion of the invoice at issue in Application No. NG-0047 Assessment Order HS-001 in the amount of \$2,348.60 shall be and is hereby suspended pending resolution of the Objection.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. NG-0047/DR-0002

Page 2

IT IS FURTHER ORDERED that payment on the undisputed portions of the invoice at issue shall be made.

MADE AND ENTERED at Lincoln, Nebraska, this 28th day of August, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Yerald J. Up*

*Dane C. Boyle*

*Tim Schow*

Chairman

*Rod Johnson*

ATTEST:

*John Landis*

Deputy Director

//s//Rod Johnson

//s//Frank E. Landis