

NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of gas supply cost ) Application No. NG-0057.2  
adjustment schedules implemented by )  
SourceGas Distribution LLC, Golden, ) ASSESSMENT ORDER HS-001  
Colorado, pursuant to *Neb. Rev. Stat.* )  
sec. 66-1854. )  
 ) Entered: November 27, 2012

BY THE COMMISSION:

The Commission has received invoices dated August 1, 2012, August 22, 2012, September 4, 2012, and October 12, 2012, from Harding & Shultz for costs associated with the Public Advocate's amicus brief filed at the Colorado Supreme Court regarding SourceGas v. Bitter Creek Pipelines LLC.<sup>1</sup> Services billed total \$31,688.85.

Commission staff has reviewed the invoices and found them to conform to the Agreement for Base Public Advocate Services dated November 15, 2008, between the Commission and Harding & Shultz.

Generally, assessments to a jurisdictional utility are carried out under the authority of *Neb. Rev. Stat. sec. 66-1840(1)* provides in part:

Whenever, in order to carry out the duties imposed upon it by law, the commission, in a proceeding upon its own motion, on complaint, or upon an application to it, including rate filings, deems it necessary to investigate any jurisdictional utility or make appraisals of the property of any jurisdictional utility...shall pay such expenses which shall be assessed against such utility by the commission.

The Public Advocate's work before the Colorado Supreme Court does not meet the criteria set forth in subsection (1) of *Neb. Rev. Stat.* sec. 66-1840; however, (3) of the same statute provides an avenue for assessment of costs that are not related to a motion, complaint or application at the Commission:

The commission, in accordance with the procedures prescribed by subsection (2) of this section, may assess against any entity, other than an individual residential ratepayer or individual agricultural ratepayer, that is not subject to assessment pursuant to subsection (1) of this section actual expenses of any services extended, filings processed, or actions certified by the commission for the entity.

Subsection (3) authorizes assessment of "actual expenses" without limitation, and the procedures for making assessment are the same

<sup>1</sup> Colorado Supreme Court Case No. 2012SC479.

regardless of whether assessment is made pursuant to subsection (1) or (3).<sup>2</sup>

Commission staff recommends that the Commission approve assessment of the expenses reflected on the invoices against SourceGas Distribution LLC (SourceGas) pursuant to Neb. Rev. Stat. sec. 66-1840.

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

Because SourceGas is not subject to assessment of the above-described costs pursuant to subsection (1) of Neb. Rev. Stat. sec. 66-1840, the Commission finds that subsection (3) of the same statute provides the requisite authority for assessment the Public Advocate's costs related to Bitter Creek litigation in Colorado.

Upon the recommendation of the Commission staff, the Commission finds that assessment to SourceGas of the charges reflected in the above-described invoices from Harding & Shultz should be approved. The Commission further finds that the Commission should pay the invoices upon receipt of payment from SourceGas.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-described assessment of \$31,688.85 is approved and hereby made and that payment of the above-described amount be made upon receipt of payment from SourceGas Distribution LLC.

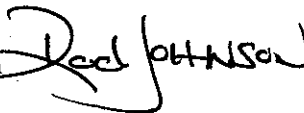
MADE AND ENTERED at Lincoln, Nebraska, this 27th day of November, 2012.


NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



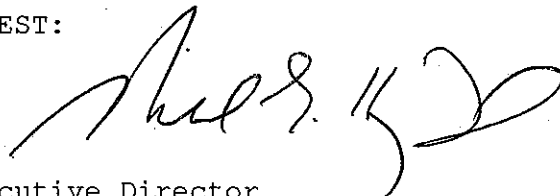
Chairman





ATTEST:





Executive Director

//s//Rod Johnson  
//s//Frank E. Landis

<sup>2</sup> See Neb. Rev. Stat. sec. 66-1840(2).