

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,     )     Application No.  
on its own Motion, seeking to     )     NG-0059/PI-149  
investigate and establish     )  
procedural filing requirements     )  
for decoupling applications.     )     PLANNING CONFERENCE ORDER  
  )  
  )  
  )  
  )     Entered:   May 27, 2009

BY THE HEARING OFFICER:

On or about March 27, 2009, Black Hills/Nebraska Gas Utility Company, LLC d/b/a Black Hills Energy (Black Hills) filed a Petition for Declaratory Ruling on Revenue Decoupling Filing Requirements (Petition), docketed by the Commission as Application No. NG-0058/DR-0003.

On April 14, 2009, the Commission entered an order in Application No. NG-0058/DR-0003 finding that Black Hills' Petition presented a question of statewide commercial importance and that such question must be resolved in an investigatory proceeding. Therefore, the Commission opened the present docket in order to address the question of whether a jurisdictional utility may file for approval of a revenue decoupling mechanism that is not intended to request a change it's overall revenue requirement under *Neb. Rev. Stat. § 66-1808* and related Commission Rules and Regulations without triggering the general rate filing requirements imposed under *Neb. Rev. Stat. §§ 66-1802(6)* and *66-1838* and the Commission's Rules and Regulations related to those general rate filing statutes.

A planning conference was held on May 27, 2009. 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 proceeding in this docket.

Due to the fact that this matter presents a legal question, no discovery is necessary and shall not be permitted. The following deadlines shall apply:

Interested parties shall file comments and/or initial briefs with the Commission no later than **5:00 p.m. on June 26, 2009**. Individuals choosing to file shall submit one original and eight (8) copies and send one electronic copy to [rose.price@nebraska.gov](mailto:rose.price@nebraska.gov). Copies of any comments and briefs received will be posted on the Commission's website.

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Additionally, any parties wishing to file as formal intervenors out of time shall file a request and an intervention with their comments on **June 26, 2009**.

Finally, the hearing in Application No. NG-0059/PI-149 will be held on **July 14, 2009, at 1:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska. Individuals choosing to file shall submit one original and eight (8) copies and send one electronic copy to [rose.price@nebraska.gov](mailto:rose.price@nebraska.gov). Copies of any comments and briefs received will be posted on the Commission's website.

Hearing on this matter shall be conducted in legislative format and no cross examination shall be permitted. However, Commissioners and Commission staff may ask questions of any individual making comments.

If during the hearing it is determined that post-hearing briefs are necessary, the hearing officer will set a deadline for the filing of briefs.

If auxiliary aids or reasonable accommodations are needed for attendance at the hearing, 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 Hearing Officer in the above-captioned matter that the foregoing schedule for submission and service of the items discussed above is hereby adopted.

IT IS FURTHER ORDERED that a hearing in Application No. NG-0059/PI-149 will be held on **July 14, 2009, at 1:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 27th day of May, 2009.

BY:

  
Frank Landis