

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. NG-0059/
on its own Motion, seeking to) PI-149
investigate and establish)
procedural filing requirements) ORDER OPENING DOCKET AND
for decoupling applications.) SCHEDULING PLANNING
) CONFERENCE
)
) Entered: April 14, 2009

BY THE COMMISSION:

The Commission, on its own motion, opens this docket seeking to investigate and establish procedural filing requirements for decoupling applications.

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

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

Pursuant to Commission rules and regulations regarding the issuance of declaratory rulings, "If a petition of declaratory ruling presents a question of statewide commercial importance or such is noted during or after hearing on the petition, the Commission shall not issue a declaratory ruling but will resolve such question in an investigative proceeding."¹ The Commission found that the Petition presented questions of statewide commercial concern.

Therefore, pursuant to Neb. Admin. Code, Title 291, Ch. 1 § 19.05, the Commission opens this docket in order to address 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.

Should the Commission find that such a filing is permissible, the Commission may offer guidance as to the procedural requirements related to the filing.

¹ Neb. Admin. Code, Title 291, Ch. 1 § 019.05 (1992).

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The Commission further finds that a planning conference shall be scheduled for **May 27, 2009, at 1:30 p.m. CDT** in the Commission Hearing Room, 300 the Atrium, 1200 N Street, Lincoln, Nebraska.

O R D E R

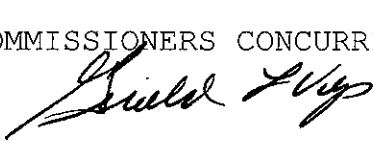
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above captioned docket is hereby opened to investigate and establish procedural filing requirements for decoupling applications.

IT IS FURTHER ORDERED that a planning conference is scheduled **May 27, 2009, at 1:30 p.m. CDT** in the Commission Hearing Room, 300 the Atrium, 1200 N Street, Lincoln, Nebraska.


MADE AND ENTERED at Lincoln, Nebraska, this 14th day of April, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chairman

ATTEST:


Executive Director

//s// Frank E. Landis