

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of SourceGas ) Application No. NG-0060  
Distribution LLC, Lakewood, )  
Colorado, seeking approval of a )  
general rate increase. ) PLANNING CONFERENCE ORDER  
 ) AND HEARING NOTICE  
 )  
 )  
 ) Entered: August 25, 2009

BY THE COMMISSION:

On July 2, 2009, SourceGas Distribution LLC (SourceGas) filed an application seeking approval of a general rate increase. On or about July 2, 2009, SourceGas Distribution LLC, Lakewood, Colorado (SourceGas) filed an application seeking approval of a general rate increase. Petitions for Formal Interventions were filed by the Public Advocate, Constellation New Energy Gas, Black Hills Energy, and the Public Alliance for Community Energy d/b/a ACE. An order granting interventions was entered on August 18, 2009.

In order to process this filing, a planning conference was held in this matter on August 18, 2009. Parties discussed the procedural schedule for the application including, but not limited to, discovery and filing deadlines as well as hearing dates and briefing schedules.

As a result of the planning conference, several issues were discussed. Therefore, this order serves to memorialize those decisions and to provide a timeline for proceeding in this docket. Due to the addition of an opportunity for parties review and to respond to a post-hearing report by Commission consultants, the Commission finds that it is necessary to extend the 210-day time period for final action pursuant to *Neb. Rev. Stat.* § 66-1838(15)(c) in order to allow the Commission sufficient time to properly fulfill its responsibilities in this proceeding.

## General Instructions and Deadlines

A. General Instructions. All evidence to be offered at hearing, objections thereto, and responses to those objections shall be filed by the dates set forth herein. A party offering prefiled testimony or exhibits as evidence at the hearing shall provide a copy to the court reporter. All prefiled exhibits must be numbered. All parties should eliminate argumentative, cumulative, or otherwise objectionable passages in testimony they intend to file. Parties are encouraged to limit objections

and to enter into stipulations in order to facilitate the presentation of evidence and completion of this proceeding.

B. Objections. All objections to prefiled evidence shall specifically and succinctly identify the testimony or exhibit to which the objection is directed and the specific objection raised regarding each such portion of the testimony or exhibit. Failure to comply with the deadlines for objections will result in waiver of the objections.

C. Service. An official service list for this matter is attached hereto as Appendix A. Service may be accomplished through electronic mail using the addresses listed in Appendix A. Parties are responsible for maintaining an accurate service list. All parties should provide an electronic copy of any discovery requests and responses via electronic mail to [rose.price@nebraska.gov](mailto:rose.price@nebraska.gov); however, they need not be filed with the Commission.

Parties may meet filing deadlines outlined herein by sending an electronic copy of the filing via electronic mail to [rose.price@nebraska.gov](mailto:rose.price@nebraska.gov) so long as all parties are served via electronic mail contemporaneously with the email filing and a hard copy is received by the Commission within three (3) days of the email filing.

D. Discovery. All discovery responses are due within ten (10) calendar days of service, unless otherwise agreed to by the Parties. Parties should make efforts to resolve any discovery disputes.

E. Deadlines. The following schedule is hereby adopted:

Date	Event
09/28/09	Final date for discovery requests to be served by Intervenors on SourceGas
10/08/09	All discovery responses from SourceGas due to Intervenors
10/22/09	All Intervenors file direct testimony, exhibits, workpapers, and witness lists
11/20/09	Final date for discovery requests to be served by SourceGas on Intervenors
11/16 - 11/20/09	Town Hall Meetings
11/30/09	All discovery responses from Intervenors due to SourceGas
12/8/09	All rebuttal testimony and exhibits filed by SourceGas
12/11/09	Written objections/Prehearing Motions Due

12/14-12/18/09	Hearing
12/23/09	Deadline for receiving expedited transcript
1/8/10	Briefs Due
1/19/10	Commission Consultants' Report Released
1/25/10	Comments on Commission Consultants' Report due
2/23/10	Final Order on Application

F. Interim Rates. Pursuant to Neb. Rev. Stat. § 66-1838(10)(a) "The jurisdictional utility's filed rates may be placed into effect as interim rates, subject to refund, upon the adoption of final rates sixty days after the filing with the commission, if the commission certifies the rate filing for negotiations." Such interim rates do not include various rate mechanisms or the Excess Construction Allowance reflected in the Application. On or before **September 15, 2009**, SourceGas shall file a statement with the Commission outlining the procedures for implementation of interim rates. Such filing should also include revised tariff sheets for filing that do not include implementation of any of the rate mechanisms or Excess Construction Allowance currently reflected in the Application. The statement should address whether rates will be prorated and copies of any notifications made to ratepayers regarding the change. Any objections to the procedures outlined in the filing shall be made **within ten (10) days** of the filing of the statement.

G. Settlement. All parties are encouraged to cooperate and engage in negotiations; however, the conduct of negotiations does not relieve the parties of their obligation to meet filing deadlines. The Commission, in order to fulfill its obligation to ensure just and reasonable rates, discourages a purely generic settlement and would suggest that the parties use provisions of LB 658 [2009] for guidance as to the minimum information to be provided regarding any settlement.

H. Hearing Fee/Accommodations. The Applicant has agreed to arrange for a court reporter for the hearing on this matter and an expedited transcript will be provided. Therefore, the hearing fee of one hundred twenty-five dollars (\$125.00) for each half-day should be waived consistent with Commission policy.

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

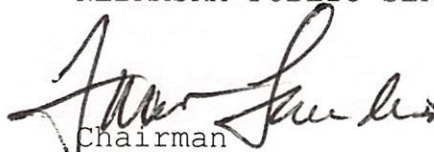
IT IS THEREFORE ORDERED that the deadlines and requirements set forth herein are hereby adopted and the 210-day time period for final action is extended pursuant to Neb. Rev. Stat. § 66-1838(15)(c) in the above-captioned matter.

IT IS FURTHER ORDERED that SourceGas has agreed to provide the court reporter for the hearing on this matter. Therefore, the hearing fee of one hundred twenty-five dollars (\$125.00) for each half-day shall be waived consistent with Commission policy.

IT IS FINALLY ORDERED that hearing on this matter will take place on **December 14 through and including December 18, 2009, at 9:00 a.m. CST** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

MADE AND ENTERED at Lincoln, Nebraska this 25th day of August, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

COMMISSIONERS CONCURRING:









//s//Frank E. Landis

ATTEST:

  
Executive Director

Appendix A

Bentley W. Breland  
Executive Vice President  
SourceGas Distribution, LLC  
370 Van Gordon Street  
Lakewood, CO 80228-8304  
[ben.breland@sourcegas.com](mailto:ben.breland@sourcegas.com)

Stephen M. Bruckner  
Russell Westerhold  
Fraser, Stryker, Meusey, Olson,  
Boyer & Bloch, P.C.  
500 Energy Plaza  
409 South 17<sup>th</sup> Street  
Omaha, NE 68102-2663  
[sbruckner@fslf.com](mailto:sbruckner@fslf.com)  
[rwesterhold@fslf.com](mailto:rwesterhold@fslf.com)

William Meckling  
Director Regulatory  
SourceGas Distribution, LLC  
370 Van Gordon Street  
Lakewood, Co 80228-8304  
[william.meckling@sourcegas.com](mailto:william.meckling@sourcegas.com)

Michael Noone  
Vice-Pres. & General Counsel  
SourceGas Distribution, LLC  
370 Van Gordon Street  
Lakewood, Co 80228-8304  
[michael.noone@sourcegas.com](mailto:michael.noone@sourcegas.com)

Laura Demman, Director  
Natural Gas Department  
Nebraska Public Service Commission  
300 The Atrium, 1200 N Street  
P.O. Box 94927  
Lincoln, NE 68509-4927  
[laura.demman@nebraska.gov](mailto:laura.demman@nebraska.gov)

Roger P. Cox  
Harding & Shultz  
800 Lincoln Square  
121 S. 13<sup>th</sup> Street  
Lincoln, NE 68501-2020  
[rcox@hslegalfirm.com](mailto:rcox@hslegalfirm.com)

Chris M. Dibbern  
Public Alliance for Community  
Energy, d/b/a ACE  
P.O. Box 95124  
1111 "O" Street, Suite 200  
Lincoln, NE 68509-5124  
[cdibbern@nmppenergy.org](mailto:cdibbern@nmppenergy.org)

Glenn Dee  
Black Hills Energy  
1815 Capitol Avenue  
Omaha, NE 68102  
[glenn.dee@blackhillscorp.com](mailto:glenn.dee@blackhillscorp.com)

Doug Law  
Black Hills Energy  
1815 Capitol Avenue  
Omaha, NE 68102  
[doug.law@blackhillscorp.com](mailto:doug.law@blackhillscorp.com)

Richard Haubensak  
Constellation New Energy  
12120 Port Grace Blvd, Suite 200  
La Vista, NE 68128  
[Richard.Haubensak@constellation.com](mailto:Richard.Haubensak@constellation.com)