BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of SourceGas)	Application No. NG-0060
Distribution LLC, Lakewood,)	
Colorado, seeking approval of a)	HEARING OFFICER
general rate increase.)))	ORDER DENYING MOTION TO COMPEL
		Entered: December 1 2000

BY THE HEARING OFFICER:

On November 20, 2009, SourceGas Distribution LLC (Source-Gas) filed a Motion to Compel Discovery (Motion) seeking an order compelling the Public Advocate to provide responses to the following discovery requests: SGD-2, SGD-97, SGD-102 through 105, SGD-117 through 119, SGD-121, SGD-131 through 134, SGD-139 through 141, SGD-147, SGD-149, and SGD-159 through 163.

SourceGas contends that the Public Advocate either failed to respond or provided incomplete responses to the requests listed above. Subsequent to the filing of the Motion, SourceGas stated via electronic mail that the Public Advocate provided supplemental responses to SGD-121 and SGD-132 and that those requests could be withdrawn from the Motion. On November 24, 2009, a Hearing Officer Order was entered denying the Motion to Compel with respect to SGD-97, SGD-102 through 105 and SGD-139 through 141, and establishing a deadline of November 30, 2009, for the Public Advocate to submit any response to the Motion to Compel.

The Public Advocate filed an Opposition to Motion to Compel Discovery (Opposition) stating that he had provided supplemental responses to SGD-117 through SGD-119, SGD-133, and SGD-149. Furthermore, the Public Advocate stated that he has responded to follow-up discovery requests that are responsive to SGD-147 and SGD-159 through SGD-163. Because supplemental responses have been provided, the Motion is denied with respect to SGD-117 through SGD-119, SGD-133, SGD-147, SGD-149, and SGD-159 through SGD-163.

Discovery request number SGD-2 seeks production of all exhibits and workpapers related to the preparation of Exhibit MLA-1 to the Direct Testimony of Michael Arndt. In his Opposition, the Public Advocate stated that he has no additional exhibits or workpapers responsive to request number SGD-2. Therefore, the Motion is denied with respect to SGD-2.

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In discovery request number SGD-131, SourceGas seeks explanation regarding why the Public Advocate did not raise an issue with respect to Accumulated Deferred Income Taxes in Docket No. NG-0039 and how the issue was ultimately raised. The Public Advocate provided an explanation regarding how the issue was raised and the transcript of the proceeding is available. I find that the response provided by the Public Advocate is sufficient and the Motion is denied with respect to SGD-131.

Finally, SourceGas requested that the Public Advocate prepare a revised copy of Exhibit MLA-1 attached to the Direct Testimony of Michael Arndt. The Public Advocate is not obligated to provide the information requested in a particular format. I find that the response previously provided by the Public Advocate is sufficient. Therefore, the Motion is denied with respect to SGD-134.

ORDER

IT IS THEREFORE ORDERED by the Hearing Officer that SourceGas' Motion to Compel should be denied as set forth herein.

MADE AND ENTERED at Lincoln, Nebraska this 1st day of December, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

BY:

Hearing Office