

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Black Hills/ ) Application No. NG-0061  
Nebraska Gas Utility Company, )  
LLC, d/b/a Black Hills Energy, ) ORDER GRANTING MOTION FOR  
Omaha, seeking a General Rate ) CLARIFICATION AND/OR  
Increase for Black Hills ) RECONSIDERATION, IN PART  
Energy's Rate Areas One, Two and )  
Three (Consolidated). )  
 ) Entered: September 14, 2010

BY THE COMMISSION:

On December 1, 2009, Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha (Black Hills) filed an application seeking approval of a general rate increase (Application) pursuant to the State Natural Gas Regulation Act (the Act)<sup>1</sup>. On August 17, 2010, the Commission entered an order granting the Application in part.

In summary, the Commission approved a base rate jurisdictional revenue requirement of \$193,031,728. Furthermore, the Commission's order established the following rates:

	Residential	Commercial	Energy Option - Firm
Customer Charge	\$13.50	\$18.50	\$18.50
Volumetric Charge	\$0.19747 per therm	\$0.17345 per therm	\$0.17345 per therm

On August 17, 2010, the Public Advocate filed a Motion for Clarification and/or Reconsideration and Request for Oral Argument. The Public Advocate requests that the Commission reconsider and/or clarify its Order with respect to utility plant, gas storage inventory, accumulated depreciation, prepayments, accumulated deferred income taxes, weather normalization payroll annualization, merit increases for union employees, variable compensation, payroll taxes, affiliated transactions, cost of equity capital, rate case expense, property taxes and the allocation of mains.

A response to the Motion was filed by Black Hills. Oral argument on the Motion was held on September 8, 2010.

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

"Every rate made, demanded, or received by any natural gas public utility shall be just and reasonable. Rates shall not be

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<sup>1</sup> Neb. Rev. Stat. § 66-1801 et seq. (Reissue 2009).

unreasonably preferential or discriminatory and shall be reasonably consistent in application to a class of ratepayers."<sup>2</sup>

The commission, in the exercise of its power and duty to determine just and reasonable rates for natural gas public utilities, shall give due consideration to the public need for adequate, efficient, and reasonable natural gas service and to the need of the jurisdictional utility for revenue sufficient to enable it to meet the cost of furnishing the service, including adequate provisions for depreciation of its utility property used and useful in rendering service to the public, and to earn a fair and reasonable return upon the investment in such property.<sup>3</sup>

"Cost of service shall include operating expenses and a fair and reasonable return on rate base, less appropriate credits."<sup>4</sup>

The Public Advocate has requested that the Commission reconsider its decision with respect to capital additions and construction work in progress, accumulated depreciation, accumulated deferred income taxes, gas storage inventory, prepayments, weather normalization, payroll adjustments, affiliate transactions, cost of equity capital, property tax, allocation of mains, and rate case expense.

#### Role of the Consultant Report

The Public Advocate relies extensively on the report issued by the Commission's consultants on June 29, 2010. As previously stated by the Commission:

The advisory report is intended to assist the Commission in the technical analysis of the information provided by all parties. The report itself is not evidence in this matter. The Commission retains the sole responsibility for balancing the interests of ratepayers and the utility and for advancing the policy objectives set forth in the Act.<sup>5</sup>

The report represents the views of the Commission's consultants at a single point in time during the deliberative process. Its recommendations are not entitled to any

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<sup>2</sup> § 66-1825(1).

<sup>3</sup> § 66-1825(3).

<sup>4</sup> § 66-1825(4).

<sup>5</sup> See *In the Matter of SourceGas Distribution, L.L.C.*, Application No. NG-0060, Order Granting Application, In Part (Mar. 9, 2010).

presumption or burden that the Commission must overcome in its order. The fact that the Commission reached a different conclusion than that set forth in the report is not sufficient to justify reconsideration of the Commission's findings.

#### Capital Additions and Construction Work In Progress

With respect to capital additions, the Commission found that Black Hills provided sufficient evidence in compliance with the requirements set forth in NG-0041 and approved the adjustment for capital additions as amended in rebuttal testimony in the amount of \$8,320,904.<sup>6</sup> Additionally, the Commission found that work in progress was properly included in rate base in the amount of \$3,512,198.<sup>7</sup>

The Public Advocate contends that the Commission should modify its order to reduce the approved utility plant in service to reflect the utility's plant in service balance as of April 2010, in the amount of \$270,606,823.<sup>8</sup> The Public Advocate focuses on the actual plant balance as of April 2010, as "known and measurable" and states that it should not include projects that were not "completed by the time of the hearing".<sup>9</sup>

*Neb. Rev. Stat. § 66-1817* states, in part

(1) Any jurisdictional utility property may be deemed to be completed and dedicated to commercial service if construction of the property will be commenced and completed in one year or less.

Post-test year adjustments related to capital additions and construction work in progress are entirely within the Commission's discretion.<sup>10</sup> The question of whether the projects were completed at the time of the hearing is not relevant. Such an approach disregards the express language of the Act which specifically permits the inclusion of construction of property commenced and completed within one year.

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<sup>6</sup> *In the Matter of Black Hills/Nebraska Gas Utility Company, LLC, d/b/a Black Hills Energy, Omaha, seeking a General Rate Increase for Black Hills Energy's Rate Areas One, Two and Three (Consolidated)*, Application No. NG-0061, Final Order Granting Application in Part pg. 8 (August 17, 2010) [hereafter "Final Order"].

<sup>7</sup> *Id.*

<sup>8</sup> Motion for Clarification and/or Reconsideration and Request for Oral Argument, at 3 (Aug. 27, 2010) [hereafter "Motion"].

<sup>9</sup> *Id.* at 5.

<sup>10</sup> § 66-1817.

The Commission found that Black Hills had provided sufficient evidence to demonstrate that all of the capital additions proposed consisted of projects to be commenced and completed within twelve months of the test year and that the utility should have an opportunity to earn a return on the investment.<sup>11</sup>

The Commission finds that with respect to capital additions and construction work in progress, the Motion should be denied.

#### Accumulated Depreciation and ADIT

In calculating rate base, the Commission included an adjustment for total Nebraska accumulated depreciation in the amount of \$115,985,680 as of July 31, 2009 and \$733,983 of accumulated depreciation related to post test year capital additions. The Commission further approved adjustments for accumulated deferred income tax (ADIT) in the amount of \$7,829,788, reflecting the December 31, 2009, per book balance.

The Public Advocate argues that the Commission should adjust balances for accumulated depreciation and ADIT as of April 2010, reflected in the utility's response to PA-252.<sup>12</sup> He contends that such updates should be made in order to comply with the matching principle and IRS normalization requirements.<sup>13</sup>

Black Hills contends that the Public Advocate has not presented any new evidence or arguments to justify reconsideration and that his position in the Motion is inconsistent with those taken during the hearing on this matter.

During hearing and briefing of this matter, no party proposed updating ADIT and accumulated depreciation to reflect the April 2010 data contained in the response to PA-252.

Black Hills' application is based on a historical test year ending July 31, 2009. Any adjustments to a test year must be made deliberately, based upon the evidence presented so as to maintain the integrity of the test year. Adjustment should not be made simply because new data becomes available with the passage of time. Arbitrarily updating selective portions of a rate case injects uncertainty into the ratemaking process and may make any mismatch worse.

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<sup>11</sup> Final Order, *supra* note 6 at 8.

<sup>12</sup> Motion, *supra* note 8 at 3; See Ex. 110.

<sup>13</sup> Motion, *supra* note 8 at 9.

Therefore, the Commission finds that the Public Advocate's Motion should be denied with respect to ADIT and accumulated depreciation.

### Gas Storage Inventory

The Commission included in rate base a gas storage inventory balance of \$17,979,457, based on a 12-month average for the months of August 2008 to July 2009.<sup>14</sup>

The Public Advocate further asserts that gas storage inventory should be based upon a twelve-month average for the period ending April 2010 in the amount of \$7,673,382.<sup>15</sup> Black Hills' contends its approach on gas storage inventory is consistent with prior Commission rulings.

The Commission's order regarding gas storage inventory is consistent with its prior decision in which it adopted the Public Advocate's recommendation to utilize a twelve-month average over the test year.<sup>16</sup> To adopt a different time period for the calculation of gas storage inventory simply because prices are lower increases the risk that a party may want to update a particular number so as to achieve a desired result in the rates. An adjustment to gas storage inventories or similar items may in some cases be justified by the evidence. However, adjusting the time period solely because gas prices have come down undermines the value of using an historic test year.

The Commission finds that the motion with respect to gas storage inventory should be denied.

### Prepayments

The Commission included in rate base \$573,454 of prepayments.<sup>17</sup>

The Public Advocate argues that contrary to the Commission's finding, the inclusion of the prepayments in rate base will result in a double recovery as the prepayments were included in operation and maintenance expenses within the utility's lead-lag study.<sup>18</sup>

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<sup>14</sup> Final Order, *supra* note 6 at 8-9.

<sup>15</sup> Motion, *supra* note 8 at 7.

<sup>16</sup> See *In the Matter of Aquila, Inc. d/b/a Aquila Networks (Aquila), Omaha, seeking individual rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three*, Application No. NG-0041, Order Granting Application in Part, pg. 7 (July 24, 2007).

<sup>17</sup> Final Order, *supra* note 6 at 11.

<sup>18</sup> Motion, *supra* note 8 at 10-11.

Black Hills reasserts that the amount in question is not included in the lead-lag study and that the amounts included in the operation and maintenance expenses within the study are direct Nebraska expenses and are distinguishable from the \$573,454 in prepayments that relate primarily to allocated prepayments.<sup>19</sup>

The Commission found that sufficient evidence was provided to show that including the prepayments within rate base did not result in a double recovery. Therefore, the Public Advocate's Motion with respect to prepayments is denied.

#### Weather Normalization

The Commission adopted the 10-year weather normalization adjustment proposed by Dr. Robert Livezey on behalf of Black Hills.<sup>20</sup>

The Public Advocate seeks reconsideration on the Commission's adoption of the 10-year weather normalization adjustment. The Public Advocate argues for the continued use of a 30-year weather normalization adjustment or adoption of a 25-year normalization adjustment proposed by the Public Advocate experts.<sup>21</sup>

Black Hills states that the Public Advocate reiterates arguments made during the proceeding and offers no new evidence or argument justifying reconsideration of the Commission's decision.<sup>22</sup>

The Commission is aware that our finding represents a departure from previous rate cases. However, such a change was supported by the evidence presented. The Public Advocate has raised no new information or argument to persuade the Commission to revisit its decision. Therefore, the Public Advocate's motion for reconsideration on the weather normalization adjustment is denied.

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<sup>19</sup> Brief in Opposition to Motion for Clarification and/or Reconsideration of Unanimous Order at 9-10 (Sept. 7, 2010) [hereafter "Brief in Opposition"].

<sup>20</sup> Cite to Order

<sup>21</sup> Motion, *supra* note 8 at 16.

<sup>22</sup> Brief in Opposition, *supra* note 20 at 11.

Payroll Adjustments

1. Payroll Annualization Adjustment

The Commission approved Black Hills' annualization adjustment in the amount of \$1,524,254.<sup>23</sup>

The Public Advocate, relying on the report of the Commission's consultants, argues that the Commission excludes this adjustment based upon a failure of Black Hills to provide sufficient evidence to demonstrate that the payroll period used in its calculation was representative of the future.<sup>24</sup> Black Hills responded that the annualized payroll expenses reflected changes through September 15, 2009, including current pay levels, changes to benefits and employment taxes.

The Commission finds no justification to reconsider this issue and that the Public Advocate's Motion with respect to the payroll annualization adjustment is denied.

2. Union Payroll Increase

In its August 17, 2010 order, the Commission found that Black Hills produced sufficient evidence to demonstrate that the adjustment in the amount of \$187,085 for union payroll increases constituted a known and measurable change and should be approved.<sup>25</sup>

The Public Advocate requests that the Commission reconsider its finding, arguing that because the contract was not signed at the time of the hearing it is not known and measurable.<sup>26</sup>

Black Hills responds that the increases were known and measurable as of April 5, 2010, and were recalculated based upon actual salaries representing test year expenses.<sup>27</sup>

The Commission agrees that a signed contract for a union increase is not necessary to reach a finding that an increase constitutes a known and measurable change. The Commission found that sufficient evidence was provided to support its finding that the union increase was a known and measurable change. Therefore, the Public Advocate's Motion with respect to the union payroll increase is denied.

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<sup>23</sup> Final Order, *supra* note 6 at 15-16.

<sup>24</sup> Motion, *supra* note 8 at 17-18.

<sup>25</sup> Final Order, *supra* note 6 at 18.

<sup>26</sup> Motion, *supra* note 8 at 19.

<sup>27</sup> Brief in Opposition, *supra* note 20 at 17.

### 3. Variable Compensation

The Commission approved updated variable compensation costs in the amount of \$708,217.<sup>28</sup> Furthermore, the Commission stated that the utility, in its next rate filing, must include in its direct case the type of information provided in Ms. Patterson's testimony and additional historic information regarding the annual payouts of variable compensation between rate cases.<sup>29</sup>

The Public Advocate contends that the information provided by Black Hills' witness was conclusory and that the amount should be disallowed.<sup>30</sup>

In summary, Black Hills responds that it provided sufficient information to support the Commission's finding.<sup>31</sup>

The Commission found sufficient information was provided. Nothing in the Public Advocate's Motion justifies reconsideration of the variable compensation. Therefore, the Motion is denied.

### 4. Payroll Taxes

As the Commission has denied the Motion with respect to payroll adjustments, no change to payroll taxes is necessary.

### Affiliate Costs

The Commission approved affiliate transactions included within Black Hills' operation and maintenance expenses.<sup>32</sup> We also requested that the utility provide additional information in future rate cases.<sup>33</sup>

The Public Advocate argues that the Commission should reconsider Black Hills' affiliate costs stating that insufficient evidence was produced to establish that the costs were prudent or approximate market value pursuant to Commission Rule 005.07.<sup>34</sup> He further contends that Black Hills provided only conclusory statements and that because the Commission directed Black Hills in its order to provide certain specific evidence in future rate cases that the "Commission and the Commission staff have recognized and acknowledged the shortcomings of the

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<sup>28</sup> Final Order, *supra* note 6 at 19.

<sup>29</sup> *Id.*

<sup>30</sup> Motion, *supra* note 8 at 20.

<sup>31</sup> Brief in Opposition, *supra* note 20 at 18.

<sup>32</sup> Final Order, *supra* note 6 at 22.

<sup>33</sup> *Id.*

<sup>34</sup> Motion, *supra* note 8 at 21.



evidence presented by Black Hills on the issue of affiliate transactions".<sup>35</sup>

In summary, Black Hills contends that sufficient evidence was provided and that the Public Advocate's motion should be denied.<sup>36</sup>

Most of the affiliate transactions at issue involve consolidated services provided subject to two contracts that specifically state that the services are to be provided "at cost" and are allocated to Nebraska operations. The Commission found that based upon the evidence presented, taken as a whole, that affiliate transactions should be approved.

Furthermore, it is the Commission's responsibility to provide guidance to regulated utilities as to the types of information the Commission wants to receive in future cases. Such guidance is particularly important when a utility, such as Black Hills, has not previously needed to address an issue such as affiliate transactions. The Public Advocate's characterization of the Commission's direction as a recognition that Black Hills did not meet its burden is inaccurate. The Commission's order speaks for itself and no further clarification is required with respect to its findings.

The Commission finds that the Public Advocate's Motion regarding affiliate transactions should be denied.

#### Rate Case Expense

The Commission did not approve recovery of any amount of the 2006 Aquila rate case expense. The Commission stated, "no amount of the cost of the 2006 rate case may be included in the rates of this current rate case."<sup>37</sup> The Commission approved \$750,000 in rate case expenses amortized over three years.<sup>38</sup>

The Public Advocate seeks clarification of the adjustment made by the Commission to the Company's proposed rate case expense contained on the schedules attached to the Commission's August 17, 2010 Final Order. The Public Advocate maintains the schedules do not accurately reflect the Commission's findings regarding rate case expense.<sup>39</sup>

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<sup>35</sup> *Id.* at 22-29.

<sup>36</sup> Brief in Opposition, *supra* note 20 at 19-24.

<sup>37</sup> Final Order, *supra* note 6 at 28.

<sup>38</sup> *Id.* at 28.

<sup>39</sup> Motion, *supra* note 8 at 32.

The Company acknowledges that if the Commission intended to only allow recovery of the estimated cost of the current rate case proceeding, \$750,000, then the schedules attached to the August 17, 2010 Final Order are incorrect and need to be adjusted. Mr. Glen Dee testified regarding the past two rate cases whereby the Commission approved recovery of rate case expense amortized over three years with a third of the approved amount included in operations and maintenance (O&M) and a third in rate base.<sup>40</sup> The Company requested clarification of the Commission's intent regarding the amortization of the rate case expense approved by the Commission in the current proceeding.<sup>41</sup>

The figures in the schedule attached to the Final Order do not accurately reflect our finding. Furthermore, the Commission clarifies that \$250,000 of rate case expense may be included in rate base, consistent with the testimony of Black Hills.<sup>42</sup> Therefore, the Public Advocate's motion for clarification of the rate case expenses is granted, and the Commission's adjustment to rate case expense included on the schedule attached to the Final Order shall be increased by \$339,026. Revised Schedules A, B and C reflecting the Commission's findings regarding rate case expenses are attached.

#### Property Taxes

The Commission approved the property tax expense is the amount of \$104,095 as proposed by Black Hills.<sup>43</sup>

The Public Advocate seeks reconsideration on the Commission's determination regarding property tax expenses. The Public Advocate contends that the Commission incorrectly included the property tax adjustment proposed by the Company and urges the Commission to disallow this figure as a future expense and therefore not known and measurable.<sup>44</sup>

Black Hills maintains that the Public Advocate's arguments to justify the Commission reconsidering its finding regarding property taxes are the same arguments made by the Public Advocate during the rate case proceeding.<sup>45</sup>

The Commission found that "the State of Nebraska determines the value of the utility assets and assesses taxes accordingly. Ad Valorem taxes are prudent costs and should be recoverable by

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<sup>40</sup> Hearing Ex. 21 at 12-13.

<sup>41</sup> Brief in Opposition, *supra* note 20 at 28.

<sup>42</sup> Hearing Ex. 21 at 12-13.

<sup>43</sup> Final Order, *supra* note 6 at 28.

<sup>44</sup> Motion, *supra* note 8 at 35.

<sup>45</sup> Brief in Opposition, *supra* note 20 at 30.

Black Hills in its rates.”<sup>46</sup> The Public Advocate makes no new argument nor offers new evidence regarding property taxes therefore; the Commission’s findings in the order remain unchanged. The Public Advocate’s motion for reconsideration of the property tax issue is denied.

#### Cost of Equity Capital

The Commission approved a return on equity of 10.1 percent.<sup>47</sup>

The Public Advocate seeks reconsideration of the Commission’s finding, arguing that a different utility, SourceGas Distribution LLC, was granted an equity cost rate of 9.6 percent in March of 2010, that interest rates have declined from that time, and that the Report of the Commission’s consultants includes a recommendation of 9.6 percent.<sup>48</sup>

Black Hills maintains that the Commission’s determination regarding cost of equity should be upheld, arguing that the Commission would have been justified in awarding an even higher return on equity based upon the evidence.<sup>49</sup>

The results of the analyses of Black Hills and the Public Advocate suggest a reasonable range for the cost of equity estimate between 7.7 and 11.5 percent. As is made clear by the evidence produced by both the Public Advocate and Black Hills, determining the cost of equity is not exact and includes an element of subjectivity.

The Commission examined all analyses by the parties and took into account not only the utility’s right to an opportunity to earn a reasonable return but the need to establish just and reasonable rates. Weighing all of the evidence presented, the Commission determined that 10.1 percent is an appropriate rate of return on equity under these circumstances and for this company. Such a rate should allow Black Hills Energy to fairly compensate its investors, offer a return adequate to attract new capital and maintain its financial integrity.

The Commission finds that the Public Advocate’s motion should be denied with respect to rate of return on equity.

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<sup>46</sup> Final Order, *supra* note 8 at 28.

<sup>47</sup> *Id.* at 34.

<sup>48</sup> Motion, *supra* note 8 at 31-32.

<sup>49</sup> Brief in Opposition, *supra* note 20 at 24.

Allocation of Mains

The Commission approved the cost of service study proposed by Black Hills.<sup>50</sup>

The Public Advocate requests that the Commission reconsider its order with respect to the allocation of mains. He argues that the methods employed by Black Hills over-allocate costs of mains to residential ratepayers.<sup>51</sup>

Black Hills responds that its allocation of mains and the Commission's findings are consistent with its prior orders in Docket No. NG-0041.<sup>52</sup>

As the Commission previously stated, cost of service studies can be developed using a variety of methodologies. Some level of subjectivity is inherent in the process and experts can reach different conclusions. The method approved by the Commission was consistent with its previous order in Docket NG-0041. Therefore, the Commission finds no reason to reconsider its order and the Motion is denied with respect to the allocation of mains.

**BASE RATE REVENUE REQUIREMENT**

Based upon the above, the Commission finds that Black Hills is entitled to a base rate jurisdictional revenue requirement of \$192,644,885. Rates previously approved have been modified to recover this amount, annually.

**RATES**

Based upon the adjustment to the revenue requirement resulting from the correction of the rate case expense, it is necessary to adjust rates established in the August 17, 2010 order. Therefore, the Commission finds that rates shall be established as follows:

	Residential	Commercial	Energy Option - Firm
Customer Charge	\$13.50	\$18.50	\$18.50
Volumetric Charge	\$0.19500 per therm	\$0.17245 per therm	\$0.17245 per therm

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<sup>50</sup> Final Order, *supra* note 8 at 36.

<sup>51</sup> Motion, *supra* note 8 at 36.

<sup>52</sup> *Id.* at 30-31.

### COMPLIANCE

As permitted by law, Black Hills implemented interim rates pending the consideration of its rate application.<sup>53</sup> Black Hills implemented the full amount of its proposed rate. Pursuant to the Commission's August 17, 2010 order, Black Hills implemented the rates established by the Commission on September 1, 2010. As noted herein, the change in rate case expense has resulted in a change in the established rates.

For purposes of calculating refunds as required by *Neb. Rev. Stat. § 66-1838(10)(b)*, rates as amended in this order are effective **September 1, 2010**. However, the Commission recognizes that it may not be possible to immediately implement the modified rates and that the timing of billing cycles may complicate the calculation of refunds. Therefore, Black Hills shall implement the rates approved herein no later than **October 1, 2010**.

Furthermore, Black Hills must file a Refund Plan within fifteen days (15) days from the date the amended rates are implemented. That Refund Plan shall include a proposal for refunding the difference between the interim rate revenue collected and its final rates and documentation supporting the calculations made. The Commission reserves the ability to receive evidence regarding such Refund Plan and to enter a subsequent order regarding such Refund Plan as hereafter provided in this order.

#### Schedules

The following schedules are attached hereto and incorporated herein by this reference.

Revised Schedule A: Summary of Commission Adjustments  
Revised Schedule B: Revenue Requirement  
Revised Schedule C: Rate Base

#### Proration of Rate Changes

The Company shall prorate the application of the final rates to reflect the estimated customer gas usage that occurred before and after the effective date of the new rates. The Compliance Filing shall include detailed description of the proration method utilized by the Company to implement the final rates as contained in this order.

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<sup>53</sup> § 66-1838(10)(b).

Tariff Sheets

Finally, no later than thirty (30) days after the effective date of rates, Black Hills shall file any necessary tariffs, schedules, and classifications, and all terms or conditions of service with the Commission as required by *Neb. Rev. Stat. § 66-1838(16)*.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Reconsideration and/or Clarification is granted in part as set forth herein

MADE AND ENTERED at Lincoln, Nebraska this 14th day of September, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

Application No. NG-0061

PAGE 14

Tariff Sheets

Finally, no later than thirty (30) days after the effective date of rates, Black Hills shall file any necessary tariffs, schedules, and classifications, and all terms or conditions of service with the Commission as required by Neb. Rev. Stat. § 66-1838(16).

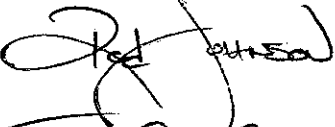

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion for Reconsideration and/or Clarification is granted in part as set forth herein

MADE AND ENTERED at Lincoln, Nebraska this 14th day of September, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

//s// Frank E. Landis  
//s// Gerald L. Vap

Chairman 

ATTEST:



Executive Director