

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. NG-0063/
on its own Motion, seeking to) PI-173
investigate and refine filing)
requirements and establish) ORDER ISSUING AGENDA
further guidelines for) FOR WORKSHOP
prosecution of general rate)
applications.)
) Entered: October 29, 2010

BY THE HEARING OFFICER:

By order entered August 31, 2010, the Commission opened this docket to investigate and establish guidelines for the prosecution of general rate applications filed pursuant to Neb. Rev. Stat. § 66-1825 (Reissue 2009) in order to increase efficiencies and reduce costs.

Comments were due by October 25, 2010, and were filed by the following parties: Black Hills Energy (Black Hills); North-Western Energy (NorthWestern); the Public Advocate; and SourceGas Distribution LLC (SourceGas). A workshop has been scheduled for November 1, 2010, at 2:00 p.m. in the Commission Hearing Room, 300 the Atrium, 1200 N Street, Lincoln, Nebraska.

In order to facilitate a productive workshop, the Hearing Officer provides the attached agenda. The Hearing Officer and Commission staff will lead an informal, roundtable style discussion of the topics listed.

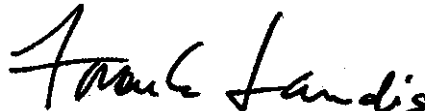
Parties are encouraged to participate in person; however, the following call-in number may be used by individuals who desire to listen to the discussion: 888-820-1398, access code 4207969#.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer that the attached agenda is issued for the workshop scheduled on November 1, 2010, at 2:00 p.m. in the Commission Hearing Room, 300 the Atrium, 1200 N Street, Lincoln, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of October, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION



By: Hearing Officer

NG-0063 WORKSHOP AGENDA

November 1, 2010

2:00 p.m.

Due to time available for this workshop, not every issue addressed in filed comments can be discussed. Time limits are suggested for each heading. At the close of the workshop, parties will have a brief opportunity to address any key issues not previously discussed during the workshop.

A. Municipally-Negotiated Rate Cases: Applicability of Additional Rate Case Requirements regarding Filing, Conferences and Standard Progression Order (10 min)

1. In the absence of concerns expressed by municipalities, additional filing requirements could be described as “mandatory disclosures” that do not apply to cases where a jurisdictional utility seeks to negotiate with affected municipalities.
2. Municipally-negotiated cases could be exempt from any additional conferences or pre-hearing filings that may be established.
3. Does a need exist for a standard progression order?

B. More Detailed Filing Requirements and Limits on Discovery (30 min)

1. Discuss lists provided by Public Advocate and SourceGas (Public Advocate Comments, p. 5-9; SourceGas Comments, p. 2-3). Black Hills indicated a list had been compiled (Black Hills Comments, p. 4).
2. Discuss possible Public Advocate mandatory disclosures (SourceGas Comments, p. 3).
3. Limit on number of data requests: Discuss suggestion of 200 data requests with more permitted by the Hearing Officer for good cause; discuss following Nebraska Rules of Discovery regarding numbering; require permission of Hearing Officer to conduct depositions.
4. Standard Response Times and Motions to Compel
 - a. If limits on discovery are imposed, any need to allow additional response time should be lessened.
 - b. Parties could see relief from Hearing Officer.
5. Motions to Compel
 - a. Discuss whether need exists for deadline.
 - b. Any deadline could be keyed from the deadline for Intervenor’s filing testimony or applicant’s rebuttal testimony (for example, any motions must be filed at least X number of days in advance of intervenor or rebuttal testimony deadline).
6. Discovery Requests Part of the Record (SourceGas Comments, p. 3)
 - a. Already an option;
 - b. Discuss any concerns.
7. Prehearing Memorandum and Waiver (SourceGas Comments, p. 6)

C. Standard Progression Order (10 min)

1. Deadline for dispositive motions – would Intervenor testimony due date be reasonable deadline?
2. Set aside day for prehearing motions and entering exhibits into record – last business day before hearing.
3. Updates to numbers (Black Hills comments, p. 3-4) – identify one or two points in rate case when updates would be useful and which areas should be updated.
4. Table further specifics until next workshop or round of comments. Taking into consideration comments filed October 25, 2010, and developments during this workshop, Commission could release a proposed progression schedule for comment.

D. Filing of Stipulated Facts and Dispute Issues; Option of Hearing on the Filings (10 min)

1. Suggestion for joint Pre-Hearing Memorandum (SourceGas Comments, p. 6-7).
2. Comments from Hearing Officer and Public Advocate; discussion.

E. Commission Consultant Report (10 min)

1. Commenting parties have divergent views on the value and use of a Commission Consultant Report.
2. Application of ex parte rules to advisors (Black Hills Comments, p. 6) - conflicts can be addressed in Commission's contract with consultants.
3. Any response and further comments by parties; issue will be taken under advisement.

F. Motions for Reconsideration and Clarification (10 min)

1. Discuss draft order suggestion (SourceGas Comments, p. 7-8).
2. Discuss 3-5 month rehearing suggestion (Black Hills Comments, p. 7).

G. Notice of Intent to File Rate Case (5 min)

Adopt suggestion to require written notice to the Commission and Public Advocate at least thirty (30) days prior to filing rate case (SourceGas Comments, p. 8-9).

H. Other Suggestions, Responses or Comments from Participants (15 min)

1. Revisiting generic settlement policy (Black Hills Comments, p. 5) – how would a generic settlement fit with information needed to determine an Infrastructure System Replacement Cost Recovery Charge? See *Neb. Rev. Stat.* sec. 66-1866(5) (e)-(h).
2. Public Advocate Budget (SourceGas Comments p. 9-10).

I. Items Tabled for Next Workshop

1. Specifics of Standard Progression Order;
2. Comments regarding rate case principles from Rule and Regulation Docket No. 173 (Prudence Presumption, Burden of Proof, etc.);
3. Projected Test Year – would like to know which other states permit use;
4. Proof of Affiliate Transactions (Black Hills Comments, p. 8);
5. Cost Allocation Manual Evidentiary Requirements (Black Hills Comments, p. 8); and
6. Confidentiality concerns.

J. Suggested Topics for Next Workshop or Round of Comments (5 min)

K. Final Comments by Parties – 4:00 pm (5 min each party)