

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. NG-0097
Emporia Renewable Energy Corp.,)
Littleton, Colorado, seeking)
authority to operate as a) ORDER GRANTING AUTHORITY
Competitive Natural Gas Provider in)
the State of Nebraska.)
) Entered: October 10, 2018

BY THE COMMISSION:

By application filed August 23, 2018, Emporia Renewable Energy Corp. ("Emporia") of Littleton, Colorado seeks authority to operate as a competitive natural gas provider ("CNGP") in the State of Nebraska. Notice of the application was published in the *Daily Record*, Omaha, Nebraska, on August 28, 2018. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

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

The Commission finds that it has jurisdiction pursuant to Neb. Rev. Stat. §§ 66-1848 and 66-1849. Section 66-1849(1) provides in part:

The commission shall certify all competitive natural gas providers and aggregators providing natural gas services. In an application for certification, a competitive natural gas provider or aggregator shall reasonably demonstrate managerial, technical, and financial capability sufficient to obtain and deliver the services such provider or aggregator proposes to offer. The Commission may establish reasonable conditions or restrictions on the certificate at the time of issuance.

In addition, Commission Rules and Regulations specify requirements for an application for authority as a CNGP. See 291 Neb. Admin. Code 9-011.

Emporia is a Colorado corporation, holding its principal office in Littleton, Colorado. Emporia submitted this CNGP application for the purpose of becoming a gas supplier in the Black Hills Energy Choice Gas program. In support of its application, Emporia submitted a Balance Sheet, a Statement of Income, and a Statement of Cash Flow. Emporia also provided a copy of its Certificate of Authority to Transact Business in Nebraska. There have not been any legal actions or formal complaints pertaining to the provision of competitive natural gas services filed against Emporia within the twelve months prior to filing this application, nor has Emporia had a license or certificate to supply competitive natural gas service revoked, denied or withdrawn. In addition, Emporia submitted information regarding its management team, including professional background information regarding Shawn McLaughlin, CEO; Richard Tolar, Head of Software

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Development; and Seth Terry, Head of Products and Solutions. Emporia also submitted an Organizational Business Chart describing the positions held by its employees.

Commission Staff Accountant, Steve Stovall, submitted his Direct Testimony and a Report on Regulatory Compliance, indicating that the financial statements submitted by Emporia provide evidence of adequate financial resources necessary to obtain and deliver the services that Emporia proposes to offer.

Based upon the information provided in the application and verified by affidavit, the Commission finds that the provisions of Neb. Rev. Stat. §§ 66-1848 and 66-1849 and applicable Commission Rules and Regulations are met. Emporia's application for authority should be granted, and Emporia should be issued a certificate of authority as a competitive natural gas provider consistent with the conditions set forth in this order.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. NG-0097 is hereby granted, and Emporia is authorized to operate as a competitive natural gas provider within the State of Nebraska.

IT IS FURTHER ORDERED that this order be made the Commission's official certificate of authority to furnish the service authorized herein as competitive natural gas provider.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 10th day of October, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Cystal Knodes
John [unclear]
Tim Schram

//s//Frank E. Landis
//s//Mary Ridder

Mary Ridder
Chair

ATTEST:

Michael H. [unclear]
Executive Director