

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on) Application No. OP-0001/
its own motion, seeking to establish) PI-183
guidelines for prosecution of)
applications under the Major Oil) ORDER OPENING DOCKET AND
Pipeline Siting Act.) REQUESTING WRITTEN
) COMMENTS
)
) Entered: February 14, 2012

BY THE COMMISSION:

The Commission, on its own motion, opens this docket seeking to investigate and establish guidelines for the prosecution of applications under the Major Oil Pipeline Siting Act (Act) pursuant to *Neb. Rev. Stat. § 57-1401 et seq.*

The Act sets forth deadlines for the Commission to set a hearing and for entering an order. The Commission seeks to outline the process that would occur and establish a timeline to serve as a guide for cases filed in the future. The product of this docket would be adoption of a standard progression order so that all parties are aware of deadlines from the time a filing is made. Although the schedule would be reviewed and possibly amended at a planning conference following receipt of a filing, having a standard schedule would provide predictability regarding the process. A draft standard progression order is attached hereto as Appendix A and incorporated herein by this reference.

Of note to state agencies listed in the Act at *Neb. Rev. Stat. § 57-1407(3)*, the schedule below contemplates the agencies submitting a notice to the Commission identifying potential issues that the agency could address in a report, along with a preliminary budget. This potential requirement is being addressed in the Commission's Docket No. Rule and Regulation 183.

Interested parties should file one (1) original and eight (8) copies of written comments on or before **3:00 p.m. on April 13, 2012**. Interested parties should also send one (1) electronic copy by email to **rose.price@nebraska.gov** and **angela.melton@nebraska.gov**.

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The Commission further finds that a workshop shall be scheduled for **May 8, 2012, at 1:30 p.m.** in the Commission Hearing Room, 300 the Atrium, 1200 N Street, Lincoln.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above captioned docket is hereby opened to establish guidelines for prosecution of applications under the Major Oil Pipeline Siting Act.

IT IS FURTHER ORDERED that interested parties should file one (1) original and eight (8) copies of written comments on or before **3:00 p.m. on April 13, 2012.** Interested parties should also send one (1) electronic copy by email to **rose.price@nebraska.gov** and **angela.melton@nebraska.gov.**

IT IS FINALLY ORDERED that a workshop shall be scheduled for **May 8, 2012, at 1:30 p.m.** in the Commission Hearing Room, 300 the Atrium, 1200 N Street, Lincoln.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of February, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim DeKrom

Anne Boyle

Quaid Zapp

//s//Frank E. Landis
//s//Rod Johnson

Chairman

Reed Johnson

ATTEST:

Phil [Signature]
Executive Director

In the Matter of _____.) Application No. OP-00__
)
)
) PLANNING CONFERENCE ORDER
) AND HEARING NOTICE
)
) Entered: DATE
)

BY THE COMMISSION:

On DATE, APPLICANT filed an application seeking approval of siting for a major oil pipeline. Petitions for Formal Intervention were filed by PARTIES. An order granting interventions was entered on DATE.

In order to process this filing, a planning conference was held in this matter on DATE. 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.

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 pages of each exhibit shall be numbered. 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 or cd rom to the Department. However, such discovery requests and responses shall not be filed with the Commission. Such discovery requests and responses shall not be part of the official record unless offered and accepted as exhibits during the hearing on the application. If using electronic mail, parties should send to rose.price@nebraska.gov.

Parties may meet filing deadlines outlined herein by sending an electronic copy of the filing via electronic mail to 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) days of service, unless otherwise agreed to by the Parties. Except where deadlines are modified by this order, Nebraska Rules of Discovery will apply. Should this order conflict with any provision of the Nebraska Discovery Rules, this order controls. Parties should make efforts to resolve any discovery disputes.

E. Exhibits and Witnesses. Parties shall file a consolidated exhibit list. All exhibits shall be appropriately marked and each page of the exhibit numbered prior to the hearing. Any party wishing to use a demonstrative exhibit or other demonstrative tools at the hearing must identify such materials by the time of the prehearing conference. Any party seeking to request administrative notice of any document shall provide copies of said materials at the time of the prehearing conference.

E. Deadlines. The following schedule is hereby adopted (All deadlines are approximate. Actual dates will be substituted.):

Date	Event
Filing Date	Application Filed
Publication Date (w/in 3 business days of filing)	Notice of Application Published in Daily Record
30 days after publication	Deadline for agencies to notify Commission of issues and identify budget; Intervention Deadline
w/in 35 days of filing date	Planning Conference
45 days after publication	Deadline for Commission to request reports from agencies
60 days after filing date	Final date for discovery requests to be served by Intervenors on Applicant
10 days after service of final discovery requests	All discovery responses from Applicant due to Intervenors
5 days after due date for re- sponses to Intervenor dis- covery requests	Deadline for Motions to Compel Responses by Applicant
15 days after deadline for responses to discovery requests	All Intervenors file direct testimony, exhibits, workpapers, and witness lists
Day 110 - 20 days after deadline for filing of Intervenors' direct testimony	Final date for discovery requests to be served by Applicant on Intervenors; Agency reports filed with Commission

10 days after service of final discovery requests	All discovery responses from Intervenor due Applicant
5 days after due date for re-sponses to Applicant discovery requests	Deadline for Motions to Compel Responses from Intervenor
15 days after re-sponses to discovery requests	All rebuttal testimony and exhibits filed by Applicant
5 days after filing of rebuttal testimony	Written objections/Prehearing Motions; Parties to file any corrections to staff's list of disputed issues.
w/in 5 days of objections	Prehearing Conference/Any Oral Argument on Objections or Motions; Parties to file consolidated exhibit list.
150 days after filing date	Hearing
w/in 5 days of the conclusion of the hearing	Deadline for receiving expedited transcript
10 days after hearing, transcript is available	Post Hearing Briefs Due
5 days after post hearing briefs	Reply Briefs Due
210 days after filing date	Final Order

F. 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.

G. Hearing Fee/Accommodations. The Applicant will arrange for a court reporter for the hearing on this matter and an expedited transcript will be provided no later than the date set forth in the schedule above. Therefore, the hearing fee of one hundred twenty-five dollars (\$125.00) for each half-day should be waived consistent with Commission policy. If daily transcripts are available, all parties shall be notified of the option and will be responsible for the cost of receiving one should they request it.

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 in the above-captioned matter.

IT IS FURTHER ORDERED that Applicant 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 **Date through Date, at Time** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

MADE AND ENTERED at Lincoln, Nebraska this ___th day of _____, 20__.

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

COMMISSIONERS CONCURRING:

ATTEST:

Executive Director