

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. P-0008
of Aquila, Inc., Omaha,)
Nebraska, seeking resolution of)
a dispute under Nebraska Revised) MOTION DISMISSED
Statute Section 57-1306.)
)
) Entered: October 6, 2004

BY THE HEARING OFFICER:

On August 10, 2004, an application was filed by Aquila, Inc. (Aquila) seeking a determination that natural gas main extensions proposed by Metropolitan Utilities District (MUD) to served the planned Stonecrest/Meridian Park subdivision are in violation of Neb. Rev. Stat. §§ 57-1301 et seq. MUD filed an Answer on August 30, 2004.

On September 28, 2004, Aquila filed a Motion for a Preliminary Cease and Desist Order and For an Expedited Hearing (Motion) seeking an order requiring MUD to cease and desist installation of a natural gas main along Giles Road pending the resolution of its formal complaint.

On October 4, 2004, MUD filed a response to the Motion indicating that the construction was unrelated to the subdivision that is the subject of the formal complaint; that it has ceased further installation of the gas main; and that it will not resume installation of the main pending the hearing on the formal complaint.


Subsequently, Aquila filed a statement of satisfaction declaring that based upon MUD's statement that no further installation will take place, no hearing is necessary and the motion is moot.

O R D E R

IT IS THEREFORE ORDERED by the Hearing Officer in the above-captioned matter that Aquila's Motion for a Preliminary Cease and Desist Order and for an Expedited Hearing is dismissed as moot.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of October 2004.

BY:



Hearing Officer