

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

[illegible]

BY THE COMMISSION:

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

On September 30, 2005, an application was filed by Metropolitan Utilities District of Omaha (M.U.D.) seeking a determination that a natural gas main extension installed by Aquila, Inc. (Aquila) along 180th Street and Giles Road from Cornhusker Road to Storage Road in Sarpy County, Nebraska, is in violation of *Neb. Rev. Stat. §§ 57-1301, et seq.* Aquila filed an Answer on October 19, 2005.

The parties engaged in discovery and took depositions. On March 23, 2006, M.U.D. notified the Commission that after review of the documents and information obtained during discovery, M.U.D. concluded that Aquila's main extension at issue was a reasonable business decision driven by Northern Natural Gas's need to replace a town border station at Storage Road. M.U.D. therefore, filed a motion to dismiss the proceeding.

The Commission finds that based upon the request of M.U.D., the proceeding should be dismissed without hearing.

## O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that based upon the request of M.U.D., the proceeding shall be and is hereby dismissed without hearing.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of March,  
2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director