

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of Metropolitan Utilities District of Omaha, Omaha, seeking resolution of a dispute under *Neb. Rev. Stat.* § 57-1306.) Application No. P-0010)) PROGRESSION ORDER NO. 1)) Entered: November 3, 2005

BY THE HEARING OFFICER:

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.

In order to process the application, the parties conferred with Commission staff regarding a procedural schedule. As a result, a schedule for discovery, filing of witness and exhibit lists, and hearing date were agreed to by the parties.

The parties shall exchange written discovery no later than **5:00 p.m., November 11, 2005**. Responses to written discovery shall be due no later than **5:00 p.m., December 12, 2005**.

The parties shall exchange preliminary witness lists by **5:00 p.m., December 16, 2005**.

Final witness lists shall be exchanged by the parties and filed with the Commission and all depositions shall be completed by **5:00 p.m., January 13, 2006**.

All exhibits and stipulations shall be exchanged by the parties and filed with the Commission no later than **5:00 p.m., January 27, 2005**.

Finally, the hearing in Application No. P-0010 will be held on **February 8, 2006, at 10:00 a.m.** at the Sarpy County Courthouse, Sarpy County Board Room, 1210 Golden Gate Drive, Papillion, Nebraska.

Any remaining pre-hearing issues that the parties would like to address should be brought before the Commission prior to hearing.

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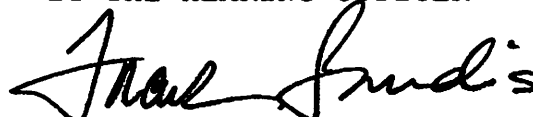
O R D E R

IT IS THEREFORE ORDERED that the foregoing schedule for submission and service of the items discussed above is, hereby adopted.

IT IS FURTHER ORDERED that a hearing in Application No. P-0010 will be held on **February 8, 2006, at 10:00 a.m.** at the Sarpy County Courthouse, Sarpy County Board Room, 1210 Golden Gate Drive, Papillion, Nebraska.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of November, 2005.

BY THE HEARING OFFICER

A handwritten signature in black ink, appearing to read "Frank Landis", written in a cursive style.

Commissioner Frank Landis