

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

BY THE COMMISSION:

Under Neb. Rev. Stat. § 75-1002(2), a private water company is defined as "a privately owned entity organized for the purpose of furnishing water for domestic use or sewer services or both to the public, cities, villages, special districts, or other political subdivisions." As part of its regulatory authority and pursuant to Neb. Rev. Stat. § 75-1003 and 291 Neb. Admin. Code § 6-002.01, the Commission, through its Water Department, requires private water companies to file a schedule of its rates and charges with the Commission before July 1 of each calendar year, and to certify to the Commission the number of customers it serves.

The Commission further requires any private water company who proposes to change any of its rates or charges to provide sixty (60) days' notice to its customers and to the Commission of the proposed rates and charges. 291 Neb. Admin. Code § 6-002.05.

The Water Department of the Commission has never received from Respondent an annual report stating its current rates and charges for water provided to private residences as required by Commission statutes and regulations. Respondent has also never notified the Commission of any proposed changes to its rates and charges for water provided to private residences.

The Commission hereby finds that it is appropriate to investigate whether Respondent is a private water company subject to Commission jurisdiction, and, if so, what rates and charges Respondent may set for its customers.

Accordingly, pursuant to the Commission's power, authority, and jurisdiction to regulate the rates and charges of private water companies under Neb. Rev. Stat. § 75-1003, and such other authority as may become relevant during the course of this inquiry, the Commission is initiating this investigation to gather information concerning the nature of the business conducted by Respondent. In furtherance of this investigation, Respondent will be required to submit written answers to the following questions:

1. Does Respondent furnish water for domestic use, sewer services, or both, to the public or any other districts or subdivisions, other than a mobile home park?
2. How many customers in total does Respondent serve? Of these customers, how many reside in a mobile home park, and how many are other types of customers?
3. Does Respondent believe it falls under any exception to the Commission's jurisdiction over private water companies? If so, what is the basis for that belief?
4. Who, or what entity, owns the title to the wells that serve Respondents' customers?
5. What are the current rates and charges for water received by the customers served by Respondent?

6. What voice or voting rights do Respondent's customers have regarding service and maintenance of the wells, and regarding charges and fees for the water?
7. How have the current rates and charges for water provided by Respondent been set? What costs have been taken into account when calculating the current rates and charges?
8. Is there any other information the Commission and other interested parties should consider in their review of this matter? If so, please provide an explanation and supporting documentation.

The Commission hereby requires a written response from Respondent addressing each issue addressed above, accompanied by supporting documentation. The written responses are due to the Commission by **October 12, 2018, at 5:00 p.m. CDT**. Service of the responses may be accomplished by sending an electronic copy of the filing via electronic mail to [susan.horn@nebraska.gov](mailto:susan.horn@nebraska.gov) and [sallie.dietrich@nebraska.gov](mailto:sallie.dietrich@nebraska.gov), so long as all parties are served via electronic mail contemporaneously with the email filing and a paper copy of the filing is received by the Commission within three (3) days of the electronic filing.

The Commission further finds that a hearing in this matter should be set for **October 30, 2018, at 1:00 p.m. CDT** in the Commission Hearing Room at 300 The Atrium, 1200 N Street, Lincoln, Nebraska. Respondent should be prepared to answer questions from the Commission and any other parties at this time.

If auxiliary aids or reasonable accommodations are needed for attendance at the hearing, parties are advised 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.

The Commission hereby advises that if any member of the public wishes to participate as a party in this proceeding, a Petition of Formal Intervention must be filed with the Commission within thirty (30) days of publication of this order. Interested parties are counseled to review the Commission rules of procedure, found in 291 Neb. Admin. Code, Chapter 1.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the above-captioned docket, be and is hereby, opened to determine whether Respondent is a private water company subject to regulation by the Commission, and, if so, to determine what steps Respondent must take to come into compliance with Commission requirements.

IT IS FURTHER ORDERED that consistent with the terms of this order, Respondent file with the Commission no later than **October 12, 2018, at 5:00 p.m. CDT**, a written statement setting forth a response to each of the above-listed questions, along with all necessary supporting documentation. Respondent is hereby advised and counseled to consult with Commission staff in order to facilitate the sharing of information and determine appropriate next steps.


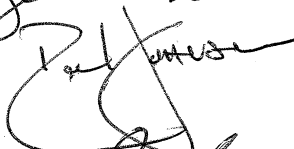

IT IS FURTHER ORDERED that a copy of this order shall be mailed to each residential customer receiving water service from Respondent via first-class mail.

IT IS FINALLY ORDERED that a hearing in this matter will be held on **October 30, 2018, at 1:00 p.m. CDT** in the Commission Hearing Room at 300 The Atrium, 1200 N Street, Lincoln, Nebraska.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 25th day of September, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



Chair

ATTEST:



Executive Director

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