

## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. NG-0067  
 of SourceGas Distribution LLC, )  
 Lakewood, Colorado, seeking )  
 approval of a general rate ) PLANNING CONFERENCE ORDER  
 increase. ) AND HEARING NOTICE  
 )  
 ) Entered: November 8, 2011

## BY THE COMMISSION:

On September 30, 2011, SourceGas Distribution LLC (SourceGas) filed an application seeking approval of a general rate increase. Petitions for Formal Intervention were filed by the Public Advocate; Black Hills/Nebraska Gas Utility Company, LLC d/b/a Black Hills Energy; Seminole Energy Services, LLC; and the Public Alliance for Community Energy. Also, Constellation New Energy Gas Division (Constellation) filed a petition for informal intervention. An order granting interventions was entered on November 8, 2011.

In order to process this filing, a planning conference was held in this matter on November 7, 2011. 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.

Previously, the Commission was required to enter an order establishing rates within 210-days of the filing as set forth in Neb. Rev. Stat. § 66-1838. However, a change in statutory language was made in LB 1072 [2008]. As a result, the computation of the time available for Commission action on a general rate case filing was subject to differing interpretations. The Commission sought and received an Attorney General opinion on the issue.<sup>1</sup>

Consistent with the Attorney General's opinion, in those cases in which the jurisdictional utility does not intend to negotiate with the affected cities, the Commission interprets § 66-1838(8) as allowing 240 days from the date of filing to enter

<sup>1</sup> Neb. Atty. Gen. Op. 11004, 2011.

an order determining final rates. Additionally, the Commission believes it may extend the deadline by an additional sixty (60) days as set forth in § 66-1838(15) for a total of 300 days. However, in recognition of the differing interpretations of the permissible time to enter an order, the Commission adopts a time line allowing it to enter an order within 240 days. To the extent necessary, the Commission also finds that the time for entering an order be extended pursuant to § 66-1838(15). The Commission's order shall not be construed as a final interpretation of the time period allowed under § 66-1838 for the consideration of general rate filings.

### **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. All parties should eliminate argumentative, cumulative, or otherwise objectionable passages in testimony they intend to file. 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](mailto: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](mailto: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. Any discovery request served after 3:00 p.m. shall be considered filed the following day for purposes of calculating response time. Unless modified by the hearing officer for good cause, interrogatories, requests for admission, and requests for production of documents, including all subparts shall be limited to 300 total. Discovery requests or subparts requesting the following shall not be counted as a subpart for purposes of limitations on discovery: name and contact information for individuals responsible for the response including address, email address and telephone number. Parties are expected to be reasonable in their interpretation of what may constitute a subpart for purposes of discovery limits.

Parties should reference Nebraska Discovery Rules for general guidance as to the conduct of discovery. Should this order conflict with any provision of the Nebraska Discovery Rules, this order controls. Parties should make efforts to resolve any discovery disputes.

Parties should provide copies of all discovery requests electronically to the Commission via electronic mail to [rose.price@nebraska.gov](mailto:rose.price@nebraska.gov). However, responses to discovery requests should not be filed with the Commission unless requested.

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:

|                    |                                                                                                              |
|--------------------|--------------------------------------------------------------------------------------------------------------|
| 09/30/2011         | Application Filed                                                                                            |
| 10/05/2011         | Notice of Application Published in Daily Record                                                              |
| 11/04/2011         | Intervention Deadline                                                                                        |
| 11/07/2011         | Planning Conference                                                                                          |
| 12/02/2011         | Final date for discovery requests to be served by Intervenor on Applicant                                    |
| 12/12/2011         | All discovery responses from Applicant due to Intervenor                                                     |
| 12/19/2011         | Deadline for Motions to Compel Responses by Applicant                                                        |
| 01/31/2012         | All Intervenor file direct testimony, exhibits, workpapers, and witness lists                                |
| 01/01/2012         | Interim Rates Go Into Effect                                                                                 |
| Wk of 02/13/2012   | Town Hall Meetings                                                                                           |
| 02/13/2012         | Final date for discovery requests to be served by Applicant on Intervenor                                    |
| 02/23/2012         | All discovery responses from Intervenor due to Applicant                                                     |
| 02/28/2012         | Deadline for Motions to Compel Responses from Intervenor                                                     |
| 03/09/2012         | All rebuttal testimony and exhibits filed by Applicant; Commission staff to release list of disputed issues. |
| 03/13/2012         | Written objections/Prehearing Motions; Parties to file any corrections to staff's list of disputed issues.   |
| 03/15/2012         | Prehearing Conference/Any Oral Argument on Objections or Motions; Parties to file consolidated exhibit list. |
| 03/19 - 03/23/2012 | Hearing                                                                                                      |
| 03/28/2012         | Deadline for receiving expedited transcript                                                                  |
| 04/11/2012         | Post Hearing Briefs Due                                                                                      |
| 04/18/2012         | Reply Briefs Due                                                                                             |
| 05/01/2012         | Interlocutory Order Releasing Assumptions for Purposes of Calculating Rates                                  |
| 05/08/2012         | Applicant to File Revised Rates and Supporting Documentation                                                 |
| 05/15/2012         | Hearing on Revised Rates                                                                                     |
| 05/22/2012         | Final Order                                                                                                  |
| 09/30/2011         | Application Filed                                                                                            |

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. Parties need not identify in settlement agreements specific dollar values attached to specific issues.

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 to the extent necessary, the time for entering an order be extended pursuant to § 66-1838(15) to accommodate the schedule set forth herein.

IT IS FURTHER ORDERED that Applicant will 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 commence on March 19, 2012, at 10:00 a.m. and continue as necessary through March 23, 2012, in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

MADE AND ENTERED at Lincoln, Nebraska this 8th day of  
November, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING: Chairman

ATTEST:

Executive Director

Appendix A

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Appendix A

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SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

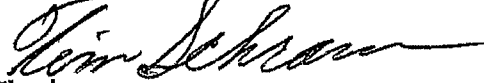
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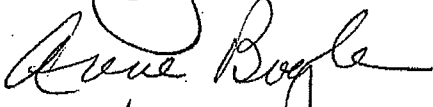
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MADE AND ENTERED at Lincoln, Nebraska this 8th day of November, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

COMMISSIONERS CONCURRING:


ATTEST:

  
Executive Director

//s// Frank Landis  
//s// Tim Schram