BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own motion, to investigate jurisdictional issues pertaining to construction and operation of a natural gas pipeline within the state of Nebraska by Nebraska Resources Company, LLC, or any other entity.	) Application No. NG-0051/ PI-130)))) CONTESTED CASE DECLARED))) Entered: August 14, 2007

BY THE COMMISSION:

On July 16, 2007, Nebraska Resources Company, LLC (NRC), filed a request that the Commission open an investigation on its own motion pursuant to Neb. Admin. Reg. Title 291, Chapter 1, Section 012.01 (Request).

NRC proposes to seek from the Commission a certificate as a "jurisdictional utility" to operate a new natural gas pipeline wholly within the state of Nebraska (NRC Pipeline) to deliver natural gas to local distribution companies (LDCs) and other customers in central Nebraska.

The Commission opened a docket, NG-0051/PI-130, on July 24, 2007, to investigate issues related to NRC's proposal. The Commission finds that this investigation is a contested case pursuant to *Neb. Rev. Stat.* § 84-901(3) that defines a contested case as "a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing."

In a contested case, ex parte communications are prohibited by *Neb. Rev. Stat.* § 84-914(6). Ex parte communications are defined under *Neb. Rev. Stat.* § 84-901(4) as "an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given."

O R D E R

IT IS THEREFORE ORDERED by the Commission that the above-captioned docket is a contested case and the prohibition against ex parte communications apply.

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MADE AND ENTERED at Lincoln, Nebraska, this 14th day of August, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

//s// Rod Johnson
//s// Frank E. Landis

Executive Director

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