

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own) RULE AND REGULATION NO. 192
motion, seeking to amend Title 291,)
Chapter 1, Rules of Commission Procedure,)
to update the chapter in its entirety.)

COMMENTS OF SOURCEGAS DISTRIBUTION LLC

INTRODUCTION AND GENERAL COMMENTS

By its order entered September 30, 2014, the Nebraska Public Service Commission (the "Commission") requested comments on its First Set of Proposed Rules to amend Nebraska Administrative Code, Title 291, Chapter 1, Rules of Commission Procedure (the "Proposed Rules"). Comments were received from various interested parties, including SourceGas Distribution LLC ("SourceGas Distribution").¹

With its February 3, 2015 Order Releasing Second Set of Proposed Rules and Seeking Comment, the Commission released a revised version of the Proposed Rules (the "Second Set of Proposed Rules"). In the Second Set of Proposed Rules, the Commission accepted certain suggested revisions proposed by SourceGas Distribution, rejected others for reasons explained in the February 3, 2015 Order, and rejected SourceGas Distribution's suggested revisions to the following sections of the Proposed Rules without explanation: 004.04, 004.06, 004.15, 011.05 and 011.06.

The February 3, 2015 Order invited further comments on the Second Set of Proposed Rules. SourceGas Distribution again welcomes the further opportunity to assist the Commission in developing rules and regulations pertaining to the Commission's procedures. SourceGas Distribution has prepared and attached to these Comments a redlined version of the Second Set of Proposed Rules. SourceGas Distribution's suggested revisions of substance are discussed in the following section.

¹ SourceGas Distribution is a natural gas jurisdictional utility subject to the Commission's jurisdiction pursuant to the State Natural Gas Regulation Act, Neb. Rev. Stat. § 66-1801 et seq.

SPECIFIC COMMENTS

RULE 001.25- DEFINITIONS

Comments: The term "Pleading" should be defined to include the types of documents and items shown in the attached redline version of the Second Set of Proposed Rules. This definition matches the "forms" of a pleading in Rule 004.02D and prevents internal inconsistency.

RULE 004.01C- EX PARTE COMMUNICATIONS

Comments: As shown in the attached redline version of the Second Set of Proposed Rules, SourceGas Distribution proposes to include the term "or agent of the Commission" within Rule 004.01C. The proposed addition would match the language of Neb. Rev. Stat. § 75-130.01.

RULE 004.03- INTERVENTION IN A CONTESTED CASE

Comments: With respect to the timeframe provided in the Second Set of Proposed Rules for filing a Petition for Formal Intervention or Informal Intervention, SourceGas Distribution acknowledges the statutory requirements of Neb. Rev. Stat. § 84-912.02. SourceGas Distribution trusts that the Commission will appropriately utilize its discretion to limit or prohibit late-filed Petitions for Intervention which would impair the conduct of proceedings or otherwise prejudice the rights of an applicant or other interested parties.

RULE 004.10- PRESENTATION OF EVIDENCE

Comments: The Second Set of Proposed Rules provide for surrebuttal evidence and re-cross examination of witnesses "if permitted" by the Hearing Officer. In a contested case where the applicant or petitioner bears the burden of proof, standard civil procedure demands that the applicant or petitioner receive the last opportunity to present evidence. Accordingly, the Company has added provisions for it to present surrebuttal evidence and to conduct re-redirect examination "if the Hearing Officer has permitted" the presentation of surrebuttal evidence and recross examination, respectively.

CONCLUSION

SourceGas Distribution looks forward to assisting the Commission on further work to refine and finalize these proposed rules.

DATED this 13th day of March, 2015.

SOURCEGAS DISTRIBUTION LLC

BY: _____

Stephen M. Bruckner #17073
Russell A. Westerhold #22498
Fraser Stryker PC LLO
500 Energy Plaza
409 South 17th Street
Omaha, NE 68102-2663
(402) 341-6000
SBruckner@fraserstryker.com

And

Eric W. Nelsen
Deputy General Counsel – Regulatory Law
SourceGas Distribution LLC
600 12th Street, Suite 300
Golden, Colorado 80201
(303) 243-3420
Eric.Nelsen@sourcegas.com

Attorneys for SourceGas Distribution LLC

1269170