

**BEFORE THE PUBLIC SERVICE COMMISSION OF NEBRASKA**

IN THE MATTER OF THE APPLICATION )  
OF BLACK HILLS NEBRASKA GAS )  
UTILITY COMPANY, LLC D/B/A BLACK ) Application No. NG-0086  
HILLS ENERGY FOR APPROVAL ITS )  
GAS HEDGE AGREEMENT WITH BLACK )  
HILLS UTILITY HOLDINGS, INC. )

**REQUEST FOR EXCUSAL**

Kevin Lytle, counsel for Constellation NewEnergy-Gas Division, LLC (“CNEG”), hereby submits this Request for Excusal from attendance at the public hearing in this docket. In support of this request, I offer the following:

1. I am a member in good standing of the State Bar of Nebraska, and local counsel for CNEG in this docket.
2. Mark Nadeau and Cole Schlabach have both been admitted to appear before the Commission in these proceedings *pro hac vice* and will be present at the public hearing.
3. Nadeau and Schlabach are fully prepared to represent CNEG at the hearing.
4. Nadeau and Schlabach are familiar with the Nebraska rules of professional conduct, the disciplinary procedures, the applicable local rules and the procedures of the Nebraska courts and the Commission.
5. I understand that I remain responsible to CNEG and responsible for the conduct of the proceedings before the Commission and will make myself available to Nadeau and Schlabach throughout the public hearing.
6. CNEG does not object to such excusal.
7. I am also authorized to represent that counsel for Black Hills, the Public Advocate, and all other intervenors do not object to such excusal.

Based on the foregoing, Kevin Lytle respectfully requests the Commission excuse him from attendance at the public hearing in this docket, and that any attorney who has been admitted *pro hac vice* representing CNEG in these proceedings be permitted to appear and participate in said public hearing.

Dated this 22<sup>nd</sup> day of March 2016.



---

Kevin T. Lytle, #21038  
DLA Piper LLP (US)  
2525 E. Camelback Road, Suite 1000  
Phoenix, Arizona 85016  
T: 480.606.5147  
kevin.lytle@dlapiper.com

## CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2016, the foregoing Request for Excusal was served by delivering copies thereof to the individuals/entities below, by e-mail and/or United States mail:



Sarah McDonald

Nichole Mulcahy  
Nebraska Public Service Commission  
Director-Natural Gas Department  
1200 N. St., Ste. 300  
Lincoln, NE 68508  
nichole.mulcahy@nebraska.gov

Jeff Pursley  
Nebraska Public Service Commission  
Executive Director  
1200 N. St., Ste. 300  
Lincoln, NE 68508  
jeff.pursley@nebraska.gov

Rose Price  
Nebraska Public Service Commission  
Consumer Affairs Advocate  
1200 N. St., Ste. 300  
Lincoln, NE 68508  
rose.price@nebraska.gov

William F. Austin  
Public Advocate  
Baylor, Evnen, Curtiss, Gritit & Witt, LLP  
1248 O Street, Suite 600  
Lincoln, NE 68508-1499  
waustin@baylorevnen.com

Cameron L. Sabin  
Stoel Rives LLP  
201 S. Main Street, Suite 1100  
Salt Lake City, UT 84111-4904  
cameron.sabin@stoel.com

Douglas J. Law  
Black Hills Corp.  
Senior Corporate Counsel  
1102 E. 1st Street  
Papillion, NE 68046  
douglas.law@blackhillsorp.com

Beth Ackland  
Public Alliance for Community Energy  
Director of Retail Gas Services  
8377 Glynoaks Drive  
Lincoln, NE 68516  
backland@nmppenergy.org

Patrick J. Joyce  
Black Hills Corp.  
Senior Managing Corporate Counsel  
1102 E. 1st Street  
Papillion, NE 68046  
patrick.joyce@blackhillsorp.com

Chris M. Dibbern  
Public Alliance for Community Energy  
8377 Glynoaks Drive  
Lincoln, NE 68516  
cdibbern@nmppenergy.org