

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

By its order entered August 4, 2015, the Nebraska Public Service Commission (the "Commission") requested comments on its Third Set of Proposed Rules to amend Nebraska Administrative Code, Title 291, Chapter 1, Rules of Commission Procedure (the "Proposed Rules"). Throughout the development of the Proposed Rules, SourceGas Distribution LLC ("SourceGas Distribution") has submitted formal comments and participated in the various workshops conducted by the Commission. SourceGas Distribution again welcomes the further opportunity to assist the Commission in developing rules and regulations pertaining to the Commission's procedures.

In the Proposed Rules, Rule 003.08 addresses the presentation of evidence during a hearing. Specifically, Rule 003.08B4 allows for "surrebuttal evidence" to be presented and Rule 003.08C4 allows for "recross examination" to be conducted. In both instances, the Proposed Rules permit the applicant or party sponsoring the witness to "request an opportunity to respond."

Because the applicant bears the burden of proof in contested case proceedings before the Commission, the applicant must be allowed the "last word" through the final opportunity to present evidence. The applicant's opportunity to present the last evidence should be a matter of right, and not rest within the discretion of the hearing officer (as the current Proposed Rules provide).

SourceGas Distribution respectfully requests that the Commission reconsider its position on this matter and modify Proposed Rules 003.08B4 and 003.08C4 as suggested above.

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

DATED this 28th day of August, 2015.

SOURCEGAS DISTRIBUTION LLC

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003.08B Evidence will be received in the following order. Presentation of evidence by Commission staff may be offered during the hearing at the discretion of the Hearing Officer:

003.08B1 Evidence is presented by the applicant, petitioner, or complainant;

003.08B2 Evidence is presented by the intervenor, protestant, or respondent;

003.08B3 Rebuttal evidence is presented by the applicant, petitioner, or complainant; and

003.08B4 Surrebuttal evidence is presented by the intervenor, protestant, or respondent, if permitted by the Hearing Officer. If surrebuttal evidence is permitted, the applicant, petitioner, or complainant ~~may request~~ shall be granted an opportunity to respond.

003.08C With regard to each witness who testifies, the following examination may be conducted:

003.08C1 Direct examination conducted by the party who calls the witness;

003.08C2 Cross examination by the opposing party;

003.08C3 Redirect examination by the party who called the witness; and

003.08C4 Recross examination by the opposing party, if permitted by the Hearing Officer. If recross is permitted, the party sponsoring the witness ~~may request~~ shall be granted an opportunity to respond.