

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. NG-109  
of Black Hills Nebraska Gas, )  
LLC, d/b/a Black Hills Energy, )  
Rapid City, South Dakota, ) ORDER GRANTING INTERVENTIONS  
seeking approval of a general )  
rate increase. )  
) Entered: July 10, 2020

BY THE HEARING OFFICER:

On June 1, 2020, Black Hills Nebraska Gas, LLC, d/b/a Black Hills Energy ("Black Hills" or "Applicant") filed an application seeking a general rate increase. The Public Alliance for Community Energy ("ACE") and the Nebraska Municipal Power Pool ("NMPP") filed motions to intervene in this matter on June 29, 2020. The International Brotherhood of Electrical Workers Local 244 ("IBEW") also filed a motion to intervene on July 3, 2020. On July 9, the Applicant filed a motion objecting to the intervention of IBEW.

### **A. Interventions of ACE and NMPP**

Pursuant to the Rules of Commission Procedure, 291 Neb. Admin. Code § 1-002.12 *et seq.*, I find that the petitions for formal intervention submitted by ACE and NMPP should be granted, and ACE and NMPP should be designated as formal intervenors and parties to this proceeding. ACE and NMPP should be entitled to participate in the proceeding to the extent of their express interest in the matter and in a manner consistent with 291 Neb. Admin. Code § 1-003.04 and all other applicable Commission Rules of Procedure.

### **B. Intervention of IBEW**

Mr. Steven Jones filed a petition to intervene on behalf of IBEW on July 2, 2020. The petition listed Mr. Jones' name and address, and stated that IBEW represents Applicant's bargaining unit employees. IBEW states that the proposed rate change will directly affect the Applicant's employees.

On July 9, 2020, the Applicant filed a motion objecting to the intervention of IBEW. The Applicant objected on several grounds, stating that service was not sufficient, that the scope of Mr. Jones' authority to represent IBEW was not stated in the petition, and that Mr. Jones is not a Nebraska attorney authorized to represent IBEW in Commission proceedings.

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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Application No. NG-109

Page 2

Motions for intervention are governed by 291 Neb. Admin. Code § 1-002.12 *et seq.* Section 1-002.12A3 provides that "the Hearing officer . . . may grant a petition for formal intervention at any time upon determining that the formal intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings." I find that the motion in question meets this standard. The motion was timely filed and contains the information required by 291 Neb. Admin. Code § 1-002.12A2. Although IBEW's motion was not served on the Public Advocate contemporaneously with the other parties, this was due to administrative error on the part of the Commission, and has since been remedied. I therefore find that this error should not bar IBEW from intervening.

The Applicant finally argues that Mr. Jones should not be permitted to represent IBEW because he is not an attorney. It has been the long-standing practice of the Commission to allow parties to intervene in proceedings without counsel; however, such a party's participation is limited to acts which can be taken without counsel. *See, e.g.,* 291 Neb. Admin. Code § 1-002.04.

Pursuant to the Rules of Commission Procedure, 291 Neb. Admin. Code § 1-002.12 *et seq.*, I find that the above-described petition for formal intervention should be granted, and IBEW should be designated as a formal intervenor and a party to this proceeding. IBEW should be entitled to participate in the proceeding to the extent of their express interest in the matter and in a manner consistent with 291 Neb. Admin. Code § 1-003.04 and all other applicable Commission Rules of Procedure.

## O R D E R

IT IS THEREFORE ORDERED that the petitions of the Alliance for Community Energy, the Nebraska Municipal Power Pool, and the International Brotherhood of Electrical Workers Local 244 to formally intervene in this matter be granted consistent with the terms set forth herein.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 10th day of July, 2020.

BY:



Dan Watermeier  
HEARING OFFICER