

# SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

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## BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of Black Hills ) Application No. P-12.32  
Nebraska Gas, LLC d/b/a Black )  
Hills Energy, Rapid City, )  
South Dakota, seeking to ) ORDER SETTING PROCEDURAL  
extend its service area for ) SCHEDULE AND NOTICE OF  
purposes of serving an Omaha ) HEARING  
Public Power District site in )  
Sarpy County. )  
 ) Entered: March 24, 2021

BY THE HEARING OFFICER:

On February 23, 2021, Black Hills Nebraska Gas, LLC, d/b/a Black Hills Energy ("Black Hills" or "Applicant") filed an application seeking to extend its service area for purposes of serving an Omaha Public Power District site in Sarpy County, pursuant to Neb. Rev. Stat. § 66-1829. On March 3, 2021, the Metropolitan Utilities District ("MUD") filed a Protest and Motion to Dismiss, and thereby became a party to this proceeding under 291 Neb. Admin. Code § 9-003.02. On March 18, 2021, the Omaha Public Power District ("OPPD") filed a petition for formal intervention pursuant to 291 Neb. Admin. Code § 1-002.12, which was granted by order of the Hearing Officer on March 19, 2021.

A planning conference was held in this matter on March 23, 2021. Douglas Law and Megan Wright appeared on behalf of Black Hills. Andy Pollock, Marc Willis, and Mark Mendenhall appeared on behalf of MUD. Stephen Bruckner appeared on behalf of OPPD. Sallie Dietrich appeared on behalf of the Natural Gas Department.

### **Procedural Schedule**

Pursuant to the planning conference, a procedural schedule was agreed upon and is set forth below.

#### **A. Service**

Parties may meet filing deadlines outlined herein by sending an electronic copy of the filing via electronic mail to [psc.naturalgas@nebraska.gov](mailto:psc.naturalgas@nebraska.gov), so long as all parties are served via electronic mail contemporaneously.

**B. Discovery**

All discovery responses are due within ten (10) days of service, unless otherwise agreed to by the Parties and within the deadlines set forth below. Any discovery request served after 3:00 p.m. shall be considered filed the following day for purposes of calculating response time. Parties should reference the Nebraska Court Rules of Discovery in Civil Cases for general guidance as to the conduct of discovery. Should this order conflict with any provision of said Rules, this order controls. Parties should make efforts to resolve any discovery disputes.

All parties shall provide a courtesy copy of any discovery requests and responses to the Commission. Such discovery requests and responses shall not be part of the official record unless they are offered and accepted as exhibits during the hearing on the application. Courtesy copies should be sent to [psc.naturalgas@nebraska.gov](mailto:psc.naturalgas@nebraska.gov).

**C. Deadlines**

Deadlines for various events and filings were established through communication with the parties, and are set forth in Attachment A to this order. All hearing times and other times listed are in Central Time. All filings are due by 5:00 p.m. Central Time unless otherwise noted.

**D. Settlement**

All parties are encouraged to cooperate and engage in negotiations; however, the conduct of negotiations does not relieve the parties of their obligation to meet filing deadlines.

**E. Hearing**

291 Neb. Admin. Code § 9-003.04 requires that a hearing on an application for pipeline extension must be held within 90 days, unless there is good cause shown. In the course of the planning conference, the parties agreed that discovery in this matter was necessary and that good cause therefore exists for the date of the hearing in this matter to be more than 90 days past the filing date of the application.

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Therefore, a hearing will be held in the above-captioned docket in the Sarpy County Boardroom, 1210 Golden Gate Drive, Papillion, Nebraska, on **Wednesday, June 9, 2021, at 1:00 p.m.** webconference access will be made publicly available through the Commission's website at <https://psc.nebraska.gov/>.

If auxiliary aids or reasonable accommodations are needed for attendance at the hearings, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

### O R D E R

IT IS THEREFORE ORDERED that the deadlines and requirements established in this order and attached hereto as Attachment A are hereby adopted.

IT IS FURTHER ORDERED that a hearing on this matter will be held on **Wednesday, June 9, 2021, at 1:00 p.m.** in the Sarpy County Boardroom, 1210 Golden Gate Drive, Papillion, Nebraska, and via webconference as provided above.

ENTERED and MADE EFFECTIVE at Lincoln, Nebraska, this 24th day of March, 2021.

BY:



Dan Watermeier  
Officer  
Hearing

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## Attachment A: Procedural Schedule

<b>Date</b>	<b>Event</b>
Tuesday, March 23, 2021	Planning Conference
Tuesday, April 6	Ruling on motion to dismiss issued on or before this date
Tuesday, April 13	Final date for initial discovery requests to be served
Monday, April 26	Responses to initial discovery requests due
Monday, May 3	Direct testimony filed
Thursday, May 6	Final date for second set of discovery requests to be served
Monday, May 17	Responses to second set of discovery requests due
Monday, May 24	Deadline for depositions to be held
Friday, May 28	Deadline for motions to be filed
Tuesday, June 1	Prehearing Conference (2:00 p.m.)  Witness lists due  Exhibit lists due
Wednesday, June 9, 2021, at 1:00 p.m.	Hearing Sarpy County Boardroom 1210 Golden Gate Drive Papillion, NE