

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE)
COMMISSION, ON ITS OWN)
MOTION, SEEKING TO)
INVESTIGATE WHETHER)
JURISDICTIONAL UTILITIES)
SHOULD ADD A TARIFF)
PROVISION ADDRESSING)
CUSTOMER REQUESTS FOR)
VOLUNTARY REMOVAL OR)
RELOCATION OF NATURAL GAS)
FACILITIES.)

Application No. NG-113/PI-241

**COMMENTS OF
THE PUBLIC ADVOCATE**

General Comments

Pursuant to the Commission's Order entered in the above captioned Docket, The Public Advocate hereby submits his comments regarding the issue of whether jurisdictional utilities should add a tariff provision addressing the recovery of costs directly from customers requesting voluntary removals or relocation of natural gas facilities from their premises.

It is my understanding that there have recently been customers, including customers operating multiple dwelling units or apartments that have, upon termination of gas service and conversion to other forms of heating etc. have requested not only simple termination with presumably removal of meters, but have also requested complete removal of service lines etc. This is apparently to insure that it would be only with great difficulty that a future owner or operator could reinstitute gas service, thus furthering the "green" agenda to encourage use of renewable energy and not "fossil" fuels. I should note that my "understanding" is anecdotal and third hand and have no specific examples of when or where such demand for total removal has taken place.

Nevertheless, any such request for removal of such facilities, unnecessary for the termination of service, should, in my opinion, be borne by the requester/customer. Putting the company to such expense unnecessarily is not and expense that should be borne by the company or the rate payers. If an owner or

customer wishes to pursue their own agenda in this regard, it should be at their own expense.

Per the view of the comments submitted by BHE, it does appear that BHE has a mechanism for charging for customer request that requests facility removal. It might be good to strengthen that provision a bit, perhaps similar to the Iowa Model submitted by BHE. Mr. Decker indicates that NorthWestern Energy has no mechanism. In Mr. Decker's comments and proposed language, does retirement cover physical removal? I assume it does but wanted to confirm.

I am sure it would be helpful to both companies to have language that clearly and concisely places the cost of removal of facilities upon the customer who is demanding the full removal of the service lines.

Service Line Ownership

The general issue also raises a question in my mind as to when a customer should be entitled to have the company remove the infrastructure. My understanding is that a service line could be either company owned, or customer owned, and I have always been a bit unclear as to how this is determined. For instance, the BHE tariff language at Sheet 14 states:

The Point of Delivery or Delivery Point means the point where company ownership, operation, and maintenance of company owned facilities ends which, unless otherwise in writing between company and customer, shall be at the outlet side of the company's meter. . ."

This would seem to mean that, without a written agreement, all the lines up to the meter are company-owned gas service lines. However, the definition of Service Line is disjunctive with customer-owned service lines possibly being “piping from “the Point of Delivery to the customer’s end use facilities, regardless of the meter location.” Could there be times when the company could simply decline the request because the facilities proposed for removal are customer-owned? Or is that only in the context of a separate written agreement as referenced in the Point of Delivery definition? To be honest I have always been a little confused by the Service Line definition.

Easements

Just a consideration, but would some of the facilities that a customer might want to have totally removed be there by virtue of a utility easement, and might there be any utility easements used by the Companies that compel removal of the facilities upon abandonment, thus preventing the company from charging for the removal? Probably not or probably very few but thought I would raise the question

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of “Comments of The Public Advocate” was served electronically on this 20th day of July 2022, upon the following:

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