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January 18, 2024

Ret. Colonel Thomas Golden
Executive Director
Nebraska Public Service Commission
1200 N Street, Suite 300
Lincoln, NE 68508

Re: *Comments of Black Hills Nebraska Gas, LLC, d/b/a Black Hills Energy
On the Chapter 9 Proposed Rules*

Rule and Regulation No. 210

Dear Col. Golden:

Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy hereby submits its Comments on the Chapter 9 Proposed Rules regarding Rule and Regulation No. 210.

Please contact me at (402) 221-2635 if you have any questions or need additional information.

Respectfully submitted,

Douglas J. Law

Douglas J. Law #19436
Associate General Counsel

DJL:ce
Attachments

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

**IN THE MATTER OF THE COMMISSION,) RULE AND REGULATION
ON ITS OWN MOTION, SEEKING TO) NO. 210
AMEND TITLE 291, CHAPTER 9,)
NATURAL GAS AND OIL PIPELINE, TO)
UPDATE, MODERNIZE, CORRECT)
ERRORS, AND REORGANIZE THE)
CHAPTER.**

**COMMENTS OF BLACK HILLS NEBRASKA GAS, LLC,
D/B/A BLACK HILLS ENERGY ON THE
CHAPTER 9 PROPOSED RULES**

I. INTRODUCTION

On October 11, 2023, the Nebraska Public Service Commission (“Commission”), on its own motion, issued an order opening an investigation in the above-captioned docket for the purpose of amending the Chapter 9, Natural Gas and Oil Pipeline Rules and Regulations. The Commission seeks to modernize and update procedures, correct typographical errors, and reorganize various sections, and conduct an overall cleanup of Section 001 through Section 022 of its Rules. The Commission initiated this proceeding pursuant to *Neb. Rev. Stats. §§ 66-1804 and 66-1805*.

Pursuant to the Commission’s Order, the Commission is soliciting written comments on its proposed changes to the rules. Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy (“BH Nebraska Gas”) operates within the State of Nebraska as a Jurisdictional Utility pursuant to the State Natural Gas Regulation Act. (“Act”) *Neb. Rev. Stats. §§ 66-1801, et. seq.* BH Nebraska Gas conducts business in Nebraska as “Black Hills Energy.” BH Nebraska Gas provides comments on the Commission’s proposed changes to its Chapter 9 proposed rules set forth below.

II. SCOPE OF COMMENTS

Black Hills Energy appreciates the Commission's action in this proceeding to review and update Chapter 9 - Natural Gas and Oil Pipeline Rules and Regulations. BH Nebraska Gas has identified a couple of rules in the Commission's Chapter 9 Rules and Regulations for which BH Nebraska Gas requests to change the proposed rules and regulations. The specific rules raising concern for BH Nebraska Gas are identified in the comments below. BH Nebraska Gas reserves the right to supplement its written comments or to reevaluate its submitted comments upon further review and discussion of the proposed rule changes throughout this proceeding.

Rule 006.01A – Confidential Information

BH Nebraska Gas recommends revising the proposed language to allow confidential information to be filed exclusively in electronic format. The proposed revisions to Rule 004.01A allow for some portions of an application to be filed exclusively in electronic format. BH Nebraska Gas recommends that confidential information be filed exclusively in electronic format. Much of the confidential information provided in Commission filings is contained in excel spreadsheets, which often contain voluminous amounts of information. A rule requiring hard copies of confidential information on yellow paper can become expensive and burdensome to print and then to segregate for review. A paper copy can be provided upon request, however, BH Nebraska Gas proposes that the Commission's rule allows confidential information to be filed exclusively in electronic format.

In addition, with the current state of technology, even if paper copies on yellow paper are required, the Commission or others reviewing the paper copies would need to scan those documents back into a digital format to disseminate the information. Furthermore, the Commission

would need to maintain space to securely protect the confidential papers submitted by parties to a Commission proceeding.

Current Proposed Rule 006.01A:

Rule 006.01A: If an applicant contends any portion of the application, prefiled testimony, or exhibits are confidential, it must file an electronic copy and three (3) hard copies of the application, prefiled testimony and exhibits redacting the asserted confidential information marked “PUBLIC”. The applicant must also file an electronic version and three (3) hard copies under seal on yellow paper marked “CONFIDENTIAL”, the complete application, prefiled testimony, and exhibits claimed to be confidential. Electronic filings shall be submitted either via email to psc.naturalgas@nebraska.gov or other electronic media.

BH Nebraska Gas Proposed Change to Commission Proposed Rule 006.01A:

Rule 006.01A: If an applicant contends any portion of the application, prefiled testimony, or exhibits are confidential, it must file an electronic copy and three (3) hard copies of the application, prefiled testimony and exhibits redacting the asserted confidential information marked “PUBLIC”. The applicant must also file an electronic version ~~and three (3) hard copies under seal on yellow paper marked “CONFIDENTIAL”,~~ of the complete application, prefiled testimony, and exhibits claimed to be confidential. Electronic filings shall be submitted either via email to psc.naturalgas@nebraksa.gov or other electronic media.

If requested or required by the Commission, a party filing confidential information shall file three (3) hard copies under seal on yellow paper marked “CONFIDENTIAL” the complete application, prefiled testimony, and exhibits claimed to be confidential.

For both the PUBLIC or CONFIDENTIAL exhibits, an applicant may file only electronic copies if (a) the information in the exhibits is voluminous, (b) filing paper copies would create a burden on the applicant to produce a paper copy, or (c) permitted by the Commission or its designated Hearing Officer.

Rule 006.02 – Other Confidential Filings

For the same reasons conveyed above for Rule 006.01A, BH Nebraska Gas recommends revising the proposed language to allow confidential information to be filed exclusively in electronic format.

Current Proposed Rule 006.02:

Rule 006.02 Other Confidential Filings: Any Utility seeking to prevent disclosure of information filed with the Commission must file such information electronically clearly marked “CONFIDENTIAL” and in hard copy on yellow paper marked “CONFIDENTIAL.” Electronic filings shall be submitted either via email to psc.naturalgas@nebraska.gov or other

electronic media. Disclosure of confidential information will be governed by Neb. Rev. Stat. §66-1829.

BH Nebraska Gas Proposed Change to Commission Proposed Rule 006.02:

Rule 006.02 Other Confidential Filings: Any Utility seeking to prevent disclosure of information filed with the Commission must file such information electronically clearly marked “CONFIDENTIAL.” ~~and in hard copy on yellow paper marked “CONFIDENTIAL.”~~ Electronic filings shall be submitted either via email to psc.naturalgas@nebraska.gov or other electronic media. Disclosure of confidential information will be governed by Neb. Rev. Stat. §66-1829. If requested, the applicant shall file a hard copy on yellow paper marked “CONFIDENTIAL.”

For both the PUBLIC or CONFIDENTIAL exhibits, an applicant may file only electronic copies if (a) the information in the exhibits is voluminous, (b) filing paper copies would create a burden on the applicant to produce a paper copy, or (c) permitted by the Commission or its designated Hearing Officer.

Rule 017.09C – Meters Failing to Register

BH Nebraska Gas recommends moving six months to twelve months for estimated bills when a meter fails to register or registers intermittently. This period would be consistent with the time allowed in Commission Rule 017.09B for adjustments for slow meters and Commission Rule 017.09D for adjustments for other meter and billing issues. Under those two rules, BH Nebraska Gas is permitted to go back twelve months to adjust customer bills.

Current Proposed Rule 017.09C:

Rule 017.09C Limits on Estimated Billing: The Utility may estimate bills for future customers natural gas usage when a meter is found not to register or to register intermittently. Bills estimated under this section may not be estimated for a period exceeding six (6) months and must be based upon prior usage, adjusted for weather conditions, number of days in the applicable billing cycle, and other known and reasonable factors.

BH Nebraska Gas Proposed Change to Commission Proposed Rule 017.09C:

Rule 017.09C Limits on Estimated Billing: The Utility may estimate bills for a customer’s future customers natural gas usage when a meter is found not to register or to register intermittently. Bills estimated under this section may not be estimated for a period exceeding ~~six (6)~~ twelve (12) months and must be based upon prior usage, adjusted for weather conditions, number of days in the applicable billing cycle, comparison of gas usage at a premise similar to the customer’s premise, and other known and reasonable factors. If the period of the malfunctioning meter exceeds twelve (12) months and can be fixed with reasonable certainty,

any uncollected estimated charges, not to exceed five years, may be included in the Utility's next General Rate Filing, or in a gas cost adjustment filing where uncollectible gas costs are permitted by the Commission to be recovered in such filing, as a bad debt expense. Such recovery shall be subject to a rebuttable presumption that said expense was Prudently incurred in the provision of natural gas service.

BH Nebraska Gas supports the other changes that the Commission has undertaken to organize and revise its other Chapter 9 Rules and Regulations. We do not have any significant issues or opposition to the other changes to the Commission's proposed rules and regulations.

BH Nebraska Gas is willing to discuss any questions or concerns that the Commission or the Public Advocate may have with the changes proposed by BH Nebraska Gas.

III. CONCLUSION

WHEREFORE, for the reasons stated above, BH Nebraska Gas respectfully submits the comments provided herein.

Respectfully,

By: /s/ Douglas J. Law

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Dated: January 18, 2024