

010 CERTIFICATION OF JURISDICTIONAL UTILITIES:

010.01 Certification of Public Convenience: Except as otherwise provided herein, no ~~jurisdictional~~ ~~u~~Utility shall transact business in Nebraska until it has obtained a certificate from the Commission that public convenience will be promoted by the transaction of the business and permitting the applicants to transact the business of a ~~jurisdictional~~ ~~u~~Utility in the state. By operation of Neb. Rev. Stat. ~~Sec. §~~ 66-1853(3), all ~~jurisdictional~~ ~~u~~Utilities transacting business in this state as of May 31, 2003 were issued a certificate of public convenience based upon its natural gas service as of that date.

010.01A Every ~~jurisdictional~~ ~~u~~Utility shall be required to furnish reasonably adequate and sufficient service and ~~f~~Facilities for the use of any and all products or services rendered, furnished, supplied, or produced by such ~~u~~Utility.

010.02 Filing Requirements and Application Process: Applications for a certificate of public convenience must contain all of the following information and must include prefiled testimony in support of the application showing:

010.02A The legal name under which the applicant will operate, a description of the business structure of the applicant, evidence of authority to do business in Nebraska, certificates of registration by the Nebraska Secretary of State for all trade names under which the applicant will operate, and the applicant's state of incorporation. The applicant will also provide any other names under which it does business outside the state of Nebraska.

Commented [MN1]: See 10.02D.

010.02B The names, business addresses and business telephone numbers of the principal officers of the applicant, or its representatives, who can be contacted regarding its operations in Nebraska and telephone number(s) at which the applicant can be contacted.

010.02C Identification of ~~a~~Affiliates, partnerships, political subdivisions, or other joint ventures, including those ~~a~~Affiliates, partnerships, political subdivisions or other joint ventures that are certified under this section. In addition to a listing of the names, addresses, and business purpose of ~~a~~Affiliates, partnerships, or other joint ventures required herein, the applicant(s) must also provide a listing of the names and addresses of all the applicant's ~~a~~Affiliates, partnerships, political subdivisions, or other joint ventures engaged in the provision of competitive natural gas services in any other state.

010.02D A listing of all legal actions and formal complaints pertaining to the provision of natural gas services filed against the applicant or its ~~a~~Affiliates at a public utility regulatory body other than the Commission that were filed or pending in the five (5) years prior to the date of the request for certificate, including identification of the title and number of applicable proceedings and a copy of the final orders in such proceedings or the citation to the website where the text of the orders can be found. ~~The applicant will also provide any other names under which it does business.~~

Commented [MN2]: Moved to 10.02A.

010.02E Identification of the states and jurisdictions in which the applicant or an ~~a~~Affiliate, partnership, or other joint venture has had a license or certificate to supply competitive natural gas services suspended, revoked, or denied, or where the applicant, partnership, or other joint venture has voluntarily withdrawn from providing service due to financial or operational reasons. Applicant must include identification of the title, caption, and docket number of any applicable proceedings and either (i) a copy of any final orders and court appeals in such proceedings or (ii) the citation to the website where the text of the orders can be found.

010.02F A demonstration that the applicant is ready, willing and able to provide service under the State Natural Gas Regulation Act and other applicable laws of the state of Nebraska, and not in violation thereof, and that the public convenience in Nebraska will be promoted by the transaction of the business by allowing the applicants to transact the business of a ~~jurisdictional~~ ~~u~~Utility in the state. The applicant will further demonstrate that it possesses the operational and financial capability to furnish reasonably adequate and sufficient service and ~~f~~Facilities for the use of any and all products or services rendered, furnished, supplied, or produced by such ~~u~~Utility. The applicant must submit a roster of officers and directors, a description of the professional backgrounds of the applicant's principal managerial and technical personnel, an operational flow chart, and a description of the applicant's ~~f~~Facilities and the services it intends to render. A request for confidential treatment for information contained within the application may be filed with the Commission, pursuant to Nebraska Administrative Code, Title 291, Chapter 9, Rule 006.

010.02G ~~The applicant shall file an electronic copy and three (3) paper copies of the application with the Commission. Electronic applications shall be submitted either via email to psc.naturalgas@nebraska.gov or other electronic media. The date of electronic filing shall be the official filing date with the Commission. Paper copies of the application may be filed up to five (5) business days following electronic filing. Paper~~

Commented [MN3]: This is merely to make this section consistent with Rule 4.01A & 4.12.

Applications must be filed with the ~~e~~Executive ~~a~~Director ~~at~~ of the Nebraska Public Service Commission, 1200 "N" Street, Suite 300, Lincoln, Nebraska 68508. ~~An original and eight (8) copies must be filed. An application fee must be included with the application to cover the administrative costs of accepting and processing a filing. In addition, each applicant will be billed costs and expenses reasonably attributable to certification and dispute resolution to applicants and participants to the proceeding, including Commission time, billed on an hourly basis, spent reviewing, analyzing and considering the application, and any costs incurred by or charges made by the Public Advocate that the Commission may assess with respect to such application.~~

010.02H An applicant must notify the Commission during the pendency of the certification request of any material change in the representations and commitments required by this subsection within fourteen (14) days of such change. Any new legal actions or formal complaints are considered material changes in the request. Once certified, ~~jurisdictional~~ ~~u~~Utilities must notify the Commission of any material change in the representations and commitments required for certification within fourteen (14) days of such change.

010.03 Assessment for ~~Jurisdictional~~ Utilities: Pursuant to Neb. Rev. Stat. ~~§~~Section 66-1840~~9~~(3), The applicant shall be billed the costs and expenses reasonably attributable to the certification process and any dispute resolution associated with the application pursuant to Rule 010.03. Such costs shall include Commission time spent reviewing, analyzing, and considering the application and costs of the Public Advocate attributable to the application process.

~~the Commission shall allocate the costs and expenses reasonably attributable to certification and dispute resolution as authorized in this section to persons identified as parties to such proceeding who are engaged in or who seek to engage in providing natural gas services ~~or~~ other persons identified as participants in such proceeding. The funds received for the costs and expenses of certification and dispute resolution shall be remitted to the State Treasurer for credit to the Public Service Commission Regulation Fund.~~

011 CERTIFICATION OF COMPETITIVE NATURAL GAS PROVIDERS AND AGGREGATORS:

011.01 General Requirement to Obtain Certificate: A person must not provide competitive natural gas services to a Nebraska Retail End-User, including a ~~h~~High-~~v~~Volume ~~r~~Ratepayer, without a certificate approved by the Commission pursuant to Neb. Rev. Stat. § 66-1849. A certified CNGP shall not be required to obtain a separate certificate as an ~~a~~Aggregator in order to perform services as an ~~a~~Aggregator.

**Commented [MN4]:** § 1849(3) deals with the certification of CNGPs and not jurisdictional utilities. We updated to the assessment statute.

**Commented [MN5]:** This is a rewrite of section 10.02G which we considered very confusing.

**Commented [MN6]:** After discussion at the workshop, this section was removed. The Commission has never to our knowledge assessed other Parties to a proceeding that intervened and the language from previous section 10.02G conflicted with this language. Per 66-1840, the applicant is assessed the costs associated with the docket.

011.02 Filing Requirements and Application Process: Applications for a certificate to provide competitive natural gas services must contain all of the following information:

011.02A The legal name under which the applicant will operate, a description of the business structure of the applicant, evidence of authority to do business in Nebraska, certificates of registration by the Nebraska Secretary of State for all trade names under which the applicant will operate, and the applicant's state of incorporation.

011.02B The names, business addresses and business telephone numbers of the principal officers of the applicant who can be contacted regarding its operations in Nebraska and telephone number(s) at which the CNGP can be contacted 24 hours a day.

011.02C A listing of each state in which the applicant currently conducts business or has applied for certification or a permit to provide competitive natural gas service. For pending applications of authority include the date each pending application was filed and the disposition of all applications.

011.02D Identification of affiliates that are certified under this section and a listing of the names and addresses of all the applicant's affiliates engaged in the provision of competitive natural gas services in any other state, and a list of states in which any other Affiliate operates.

011.02E A listing of all legal actions and formal complaints pertaining to the provision of competitive natural gas services filed against the applicant or its affiliates at a public utility regulatory body other than the Commission that were pending in the twelve (12) months prior to the date of the request for certificate, including identification of the title and number of applicable proceedings and a copy of the final orders in such proceedings or the citation to the website where the text of the orders can be found.

011.02F Identification of the states and jurisdictions in which the applicant or an affiliate has had a license or certificate to supply competitive natural gas services suspended, revoked, or denied, or where the applicant has voluntarily withdrawn from providing service due to financial or operational reasons. Applicant must include identification of the title and number of any applicable proceedings and a copy of any final orders in such proceedings or the citation to the Website where the text of the orders can be found.

011.02G A demonstration that the applicant has the operational and financial capability to obtain and deliver the services it

**Commented [MN7]:** The application process for CNGP authority was modeled off the Commission's rules regarding certifying CLECs.

**Commented [MN8]:** Combined 2 paragraphs consistent with previous sections.

proposes to offer. ~~At a minimum, applicants are required to submit financial statements. The applicant must submit a balance sheet, statement of income, statement of cash flow, and, if applicable, a statement of shareholders' equity and the applicant's debt structure, including bond rating.~~ As a demonstration of the applicant's operational ~~ability~~ capability, the applicant must submit a roster of officers and directors, a description of the professional backgrounds of the applicant's principal managerial and technical personnel, an operational flow chart, and a description of the applicant's ~~f~~Facilities and the services it intends to render. ~~A request for confidential treatment for this information may be filed with the Commission, pursuant to Nebraska Administrative Code, Title 291, Chapter 9, Rule 006.~~

**Commented [MN9]:** We made operational and financial capability each into its own section, financial was moved to new section 11.02H below.

011.02H A demonstration that the applicant has the financial capability to obtain and deliver the services it proposes to offer. The applicant shall submit certified financial statements including, but not limited to, a balance sheet, statement of income, statement of cash flow, and, if applicable, a statement of shareholders' equity and the applicant's debt structure, including bond rating. If certified financial statements are not available, applicant shall provide such information as the Commission requires to satisfy this provision. At a minimum, financial statements shall adhere to generally accepted accounting principles (GAAP). For purposes of determining evidence of adequate financing, the following minimum criteria shall be met:

**Commented [MN10]:** Moved to new section 11.02I below.

011.02H1 A minimum positive capitalization of \$200,000. Capitalization shall include all components of equity and total long and short-term debt and can include, but is not limited to, all classes of capital stock, additional paid-in capital, treasury stock, retained earnings, accumulated deficit, preferred stock, long and short-term debt.

**Commented [MN11]:** The new provisions added regarding determining financial capability are consistent with current department practice of review of CNGP applications and based on Commission practice when reviewing applicant financials for CLEC authority, see comment to Rule 11.02C above.

011.02H2 Positive Working Capital. For purposes of determining working capital, working capital shall be defined as the excess of an entity's current assets over its current liabilities.

011.02I Confidential Treatment. A request for confidential treatment for information contained within the application may be filed with the Commission, pursuant to Nebraska Administrative Code, Title 291, Chapter 9, Rule 006.

011.02~~G~~<sup>J</sup> The applicant shall file an electronic copy and three (3) paper copies of the application with the Commission. Electronic applications shall be submitted either via email to [psc.naturalgas@nebraska.gov](mailto:psc.naturalgas@nebraska.gov) or other electronic media. The date of electronic filing shall be the official filing date with the Commission. Paper copies of the application may be filed up to five (5) business days following electronic filing. Paper Applications must be filed with the ~~e~~Executive ~~A~~Director at the Nebraska Public Service Commission, 1200 "N" Street, Suite 300, Lincoln, Nebraska 68508. ~~An original and eight (8) copies must be filed.~~ An application fee must be included with the application to cover the administrative costs of accepting and processing a filing. In addition, each applicant will be billed costs and expenses reasonably attributable to certification and dispute resolution to applicants and participants to the proceeding, including Commission time, billed on an hourly basis, spent reviewing, analyzing and considering the application.

**Commented [MN12]:** Again, to make consistent with previous sections.

011.02~~H~~<sup>K</sup> An applicant must notify the Commission during the pendency of the certification request of any material change in the representations and commitments required by this subsection within fourteen (14) days of such change. Any new legal actions or formal complaints are considered material changes in the request. Once certified, CNGPs must notify the Commission of any material change in the representations and commitments required for certification within fourteen (14) days of such change.

**Commented [MN13]:** We charge a standard application fee for CNGP applications. 66-1849(3) gives us the authority to assess the participants in a proceeding on an application, the exact language is in Rule 11.03 below. This language however is not included. We are of the opinion this language is unnecessary and redundant and wanted comment on removing it.

011.03 Assessment for ~~Certification of Competitive Natural Gas Providers~~ CNGPs and Aggregators: Pursuant to Neb. Rev. Stat. § 66-1849(3) ~~Section 49(3) of LB 790 [2003]~~, the Commission shall allocate the costs and expenses reasonably attributable to certification and dispute resolution as authorized in this section to persons identified as parties to such proceeding who are engaged in or who seek to engage in providing natural gas services or other persons identified as participants in such proceeding. The funds received for the costs and expenses of certification and dispute resolution shall be remitted to the State Treasurer for credit to the Public Service Commission Regulation Fund.

**Commented [MN14]:** Direct statutory citation from 66-1849(3).

011.04 Conditions of Certification: Failure to comply with the following conditions of certification may result in revocation of the certificate:

011.04A Unauthorized Charges: A CNGP must not charge or attempt to collect any charges from Retail End Users ~~end-users~~ for any competitive natural gas services or equipment used in providing competitive natural gas services not contracted for or otherwise agreed to by the Retail End Users ~~end-users~~.

**Commented [MN15]:** Retail End User is a defined term, Rule 1.01R, and is what is being referred to here, so we used the full term.

011.04B Notification of Emergencies: Upon receipt of information from a ~~an~~ Retail End User~~end-users~~ of the existence of an emergency situation with respect to delivery service, a CNGP must immediately contact the appropriate ~~a~~Natural Gas ~~Public~~ ~~Utility~~ whose ~~Facilities~~ may be involved. The CNGP must also provide the Retail End User~~end-users~~ with the emergency telephone number of the ~~a~~Natural Gas ~~Public~~ ~~Utility~~.

011.04C Bond Requirement: The Commission may require the applicant to file a bond or other demonstration of its financial capability to satisfy claims and expenses that can reasonably be anticipated to occur as part of operations under its certificate, including the failure to honor contractual commitments. The adequacy of the bond or demonstration shall be determined by the Commission and reviewed by the Commission from time to time. In determining the adequacy of the bond or demonstration, the Commission shall consider the extent of the services to be offered, the size of the provider, and the size of the load to be served, with the objective of ensuring that the Commission's financial requirements do not create unreasonable barriers to market entry.

011.04D Yearly Revenue Annual CNGP Report Requirement: No later than September 1st of every year, each CNGP shall file with the Commission a report stating the total annual dekatherms delivered ~~to and sold to residential~~ customers of a Utility within each ~~Utility~~ rate area in the preceding year beginning July 1 and ending June 30, the total number of customers of a Utility served, and the total revenues associated with the sale of natural gas to all jurisdictional customers within each ~~Utility~~ rate area in such year.

**Commented [MN16]:** We are seeking to clarify what information we are seeking from the annual reports from CNGPs. There has been confusion every year.

011.04D1 All reports required under this section shall be under oath and shall be identified with the name of the CNGP as it appears in the most recent Commission order granting the CNGP certification.

011.04D2 All reports made to the Commission by a CNGP and the contents thereof shall be open to public ~~in-~~ pection inspection, unless otherwise ordered by the Commission.

011.04D3 When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission may notify the CNGP to amend that report within thirty (30) days, and before or after the termination of the period the Commission may examine the officers, agents, or employees, and books, records, accounts, vouchers, plant, equipment and property of

the CNGPs, and correct items in the report the Commission finds defective or erroneous.

011.04E Restrictions: The Commission may, pursuant to Neb. Rev. Stat. § 66-1849~~EB 790, Sec. 49 (2003)~~, establish reasonable conditions or restrictions on a certificate ~~as of a competitive natural gas provider~~ CNGP at the time of issuance.

011.04F Representations: No representation or warranty made by an applicant shall be false or misleading in any material respect when made or when deemed made.

012 COMPLAINT HANDLING PROCEDURES: Customers' complaints about natural gas service or billing issues should first be made to the ~~jurisdictional~~ Utility. The ~~jurisdictional~~ Utility must allow complaints to be accepted and processed in a simple manner and form. Every complaint shall be promptly investigated in a fair manner and the results reported to the complainant. If the report of the investigation is made orally, the ~~jurisdictional~~ Utility must provide the complainant, upon request, a report in writing. If a ~~jurisdictional~~ Utility fails to resolve a complaint to the satisfaction of the complainant, the ~~jurisdictional~~ Utility must, upon request, inform the complainant ~~same of the availability~~ availability of the Commission to review the ~~jurisdictional~~ Utility's investigation, including the Commission's address and telephone number.

012.01 Suspension or Termination of Service: A ~~jurisdictional~~ Utility must refrain from suspending or terminating service for non-payment during the pendency of a complaint before the ~~jurisdictional~~ Utility or ~~this the~~ Commission, unless otherwise provided by the Commission; provided however, that as a condition of continued service during the pendency of such dispute, a customer must pay the undisputed portions of any bill for service.

012.02 Complaints of High-Volume Ratepayers: Subject to Neb. Rev. Stat. § 66-1810, the Commission will take informal complaints and inquiries from ~~High-Volume~~ Ratepayers, and the ~~jurisdictional~~ Utility ~~is required to~~ shall address the complaint and report the resolution to the Commission ~~the form of the resolution applied to the dispute~~.

#### 013 RESIDENTIAL DISCONNECTION OF SERVICE:

013.01 Notice of Disconnection: A notice of disconnection of service sent by a ~~jurisdictional~~ Utility shall be served pursuant to comply with the requirements of Neb. Rev. Stat. § 70-1606 ~~(Reissue 1996)~~, and shall contain all the information required in Neb. Rev. Stat. § 70-1606. ~~Each~~ Each ~~jurisdictional~~ Utility shall have a third-party notice procedure for the notification of a designated third party of any proposed disconnection of service, in accordance with Neb. Rev. Stat. § 70-1607 ~~(1996)~~.



013.02 Conference Between ~~Jurisdictional~~ Utility and Customer: Each ~~jurisdictional~~ ~~u~~Utility shall have a procedure to hear and decide any dispute related to a proposed disconnection of service or any other matter affecting the service to a residential customer. A conference will be scheduled and held within fourteen (14) days of the residential customer's request and before the ~~jurisdictional~~ ~~u~~Utility may disconnect service. The employee of the ~~jurisdictional~~ ~~u~~Utility, based on the evidence presented at the conference, may affirm, reverse, or modify any prior decision of the ~~jurisdictional~~ ~~u~~Utility. The residential customer may appeal an adverse decision to a management ~~officer~~ designated by the ~~jurisdictional~~ ~~u~~Utility, with whom a hearing shall be held, or may file a complaint directly with the Commission.

**Commented [MN17]:** I believe this is supposed to refer to an officer, not an office.

013.03 Payment Plans for Delinquent Bills: If a residential customer asserts inability to pay or extenuating circumstances, the residential customer and the ~~jurisdictional~~ ~~u~~Utility ~~servicing such customer~~ shall attempt to agree upon reasonable installment payment arrangements for the payment of any account balance and for payment of current charges for utility service. If the residential customer believes that the installment payment arrangements offered by the ~~jurisdictional~~ ~~u~~Utility are unreasonable, ~~that the~~ residential customer may file a complaint with the Commission, challenging such utility-offered installment payment arrangement terms. A residential customer may make an informal complaint by contacting the Commission ~~via telephone or correspondence~~, or may make a formal complaint by completing a form provided by the Commission.

**Commented [MN18]:** Obvious and unnecessary language.

013.04 ~~The Disconnecting Act~~ Disconnection of Service: No ~~jurisdictional~~ ~~u~~Utility shall disconnect natural gas service to a residential customer on a weekend, any Saturday, Sunday, Nebraska legal holiday, or at any time when the ~~jurisdictional~~ ~~u~~Utility's business offices are not open to the public.

**Commented [MN19]:** The customer may contact us in any number of ways, we see no benefit of trying to list methods of communication here.

013.05 Residential Winter Disconnection: In addition to the notice provisions before disconnection of service to a residential customer in Neb. Rev. Stat. § 70-1605 ~~(Reissue 1996)~~, no ~~jurisdictional~~ ~~u~~Utility may disconnect residential customer service from November 1 to March 31 without adding to the time for payment of a bill an additional thirty (30) days before disconnecting that service, and it shall notify the residential customer before the normal disconnection date that the residential customer has such additional thirty (30) days until disconnection.

013.05A Temporary Ban on Disconnections: The Commission shall have the authority to order a temporary ban on any or all disconnections for ~~jurisdictional~~ ~~u~~Utilities during periods of extremely severe weather or when circumstances exist such that disconnection could create a situation dangerous to the life or health of customers or to property.

013.05B ~~If a residential customer has been certified as eligible for low-income home energy assistance, has communicated such eligibility to the Utility, and has provided acceptable documentation of such eligibility to the Utility within a reasonable time, then no disconnection may take place from November 1 through March 31; If a resident who is a ratepayer and has been certified as eligible for low income home energy assistance has communicated such eligibility to the jurisdictional utility and has provided acceptable documentation of such eligibility to the utility within a reasonable time, then no disconnection may take place from November 1 through March 31;~~

**Commented [MN20]:** Language rewrite suggested by the PA to simplify and clarify this section.

013.05C To have service restored during the cold weather period between November 1 and March 31, the following shall apply:

~~013.05C1 A residential customer ratepayer must pay 25% of the outstanding account balance in addition to make payment of one-fourth (1/4) of the total arrearage plus the bill for consumption during the most recent billing period for which service was provided. The residential customer shall also and enter a payment plan for the current outstanding balance and future consumption with the remaining arrearage paid in consisting of a minimum of three (3) monthly installments over no less than three (3) months or longer as agreed between the residential customer ratepayer and the jurisdictional utility.~~

**Commented [MN21]:** We tried to make this section clearer as we found it very confusing as currently worded.

~~013.05C2 A ratepayer must not default on the payment plan. If a residential customer ratepayer defaults on the payment plan, the jurisdictional utility may disconnect service after providing the requisite notice.~~

~~013.05C3 Nothing in Section 013.05C shall preclude a residential customer ratepayer from paying an arrearage in full or agreeing to an alternate payment schedule.~~

~~013.05C4 Nothing in Section 013.05C shall preclude a jurisdictional utility from collecting the applicable reconnection fee in its tariff or requiring a deposit.~~

013.06 Immediate and Serious Health Hazard: Consistent with Neb. Rev. Stat. § 70-1606(1)(g)(7) ~~(Reissue 1996)~~, a jurisdictional utility shall postpone the disconnection of natural gas service to a residential customer for a minimum period of thirty (30) days from the date of

receiving a duly licensed physician's, physician assistant's, or advanced practice registered nurse's certification certificate which certifies that an existing illness or handicap of a the residential customer or resident within such ~~residential~~ customer's household would ~~cause such person to~~ suffer an immediate and serious health hazard by the disconnection of service to that household. Such health certificate shall be filed with the utility within five (5) days of receiving notice of disconnection of service, excluding holidays and weekends. Only one postponement of disconnection shall be allowed under this provision for each incidence of nonpayment of any past-due account.

**Commented [MN22]:** Additions were made pursuant to LB 632 [2020].

014 INFORMATION ON ENERGY ASSISTANCE PROGRAMS: ~~Jurisdictional~~ ~~u~~Utilities shall compile and make available to customers a list ~~with of~~ the names, addresses, and phone numbers of known payment assistance programs, including information regarding any bilingual services offered, that are applicable to each service area within the ~~u~~Utility's areas of operation. The list should include, but is not limited to, ~~+~~ local, state, federal, and other energy assistance programs and public/private charitable organizations offering or known to offer energy payment assistance. Such programs and organizations must give, which have given prior consent to their inclusion on ~~this the~~ list.

014.01 Availability: The ~~jurisdictional~~ ~~u~~Utility shall inform any customer who asserts inability to pay his or her utility bill of the availability of this list and give a copy of this list to any customer who asks for such assistance. The ~~jurisdictional~~ ~~u~~Utility shall also provide the Commission with this list.

015 ASSESSMENTS AND-RELATED REPORTING REQUIREMENTS:

015.01 Notice of Assessment: Upon the filing of any application, including rate filings, or complaint for which the Commission deems it necessary to investigate a Utility or make appraisals of the property of a Utility, the Commission shall give the Utility notice by United States mail of the assessment for expenses reasonably attributable to such investigation or appraisal, including both direct and indirect expenses incurred pursuant to Neb. Reb. Stat. § 66-1840.

**Commented [MN23]:** This is a requirement in 66-1840, so unfortunately we can't just do electronic notice.

**Commented [MN24]:** This language used to be part of Rule 4.11. We felt a rule dealing with assessments generally was preferable to including it in each application section.

015.012 Annual Filings: Each ~~jurisdictional~~ ~~u~~Utility, on or before April 30 each year, must file with the Commission:

015.012A Annual Report: An annual report to shareholders or equivalent, for the previous year upon issuance of such the annual report. The Utility shall notify the Commission prior to April 1, if the report will not be available by April 30 and indicate when the report will be filed. Any ~~jurisdictional~~ ~~u~~Utility that fails, neglects or refuses to file with the Commission its annual report shall be subject to a civil penalty of not more than five hundred dollars.

015.012B Net Revenues: A statement of the difference between the ~~jurisdictional u~~Utility's gross operating jurisdictional revenue, less gas cost derived from intrastate natural gas public utility business as reflected in the annual report filed pursuant to Rule ~~013~~015.01A, together with an explanation of this computation and any supporting documentation of the computation. ~~This statement must be filed with the Commission on or before April 30<sup>th</sup> each year.~~

**Commented [MN25]:** We added this language to Rule 15.02 above.

015.012C Meters Served: A statement of the number of meters served by each ~~jurisdictional u~~Utility, as of the end of the previous calendar year, together with verified documentation to support the statement. ~~This statement must be filed with the Commission on or before April 30<sup>th</sup> each year.~~

015.023 Records of Non-Utility Service: Each ~~jurisdictional u~~Utility must maintain the following records of non-utility service:

015.023A Separate Records: A ~~jurisdictional u~~Utility receiving revenues for providing non-utility service shall maintain and provide to the Commission, upon request, separate records for the non-utility service. The records shall include but not be limited to: documents depicting accounts payable and vouchers; purchase orders; time sheets or other time coding information; journal entries; source and supporting documents for all ~~a~~Affiliate transactions; a description of the method(s) used to allocate revenues, expenses, and investments between utility service operations and non-utility service operations, including supporting detail.

015.023B Method of Inspection: The records for non-utility service shall be made available to the Commission at the principal place of business of the ~~jurisdictional u~~Utility or electronically after consultation between the Commission and the Utility.

**Commented [MN26]:** I think for the sake of efficiency, electronic transmission of the records would be sufficient after consultation on what we wanted/needed to see.

## 016 MUNICIPAL RATE NEGOTIATIONS REVOLVING LOAN FUND:

016.01 Application for Loan: Only one loan shall be made for each General Rate Filing ~~rate filing made~~ by a ~~jurisdictional u~~Utility, as set forth in Neb. Rev. Stat. § 66-1839. No loan monies shall be distributed until the Commission has certified a rate case for negotiation pursuant to Neb. Rev. Stat. § 66-1838(6). Applications will only be accepted from cities which have adopted a resolution evidencing the intent to negotiate with the ~~jurisdictional u~~Utility. ~~The Applications shall be submitted on a form attached to these rules must be completed and filed with approved by~~ the Commission.

**Commented [MN27]:** We have adopted this practice across the agency of not having actual forms included in the rules. This gives us the flexibility to update and make changes to forms outside a formal rulemaking process.

016.02 Joint Application for Loan: Municipalities may jointly apply for loan funds.

016.03 Multiple Applicants: If more than one loan application is filed on a General Rate Filing, all applicants for funds will be notified of the identity and contact information of other applicants and will be given a limited number of days to coordinate and determine whether to make a joint application.

Commented [MN28]: These sections were simply reorganized.

016.04 Application Scoring: If all applicants do not reach a mutual agreement, the Commission will evaluate applications based upon a budget statement identifying all costs for which loan funds will be used and a proposed timeline for progression of negotiations. Applications will be scored on the following scale:

016.04A Total points possible: 25

016.04A1 Budget Statement: 15 points total:

016.04A1a Thoroughness: 10 points

016.04A1b Reasonableness: 5 points

016.04A2 Timeline: 10 points total:

016.04A2a Thoroughness: 5 points

016.04A2a Reasonableness: 5 points

016.035 Fund-use Monitoring and Quarterly Accounting of Fund Use:

016.035A Once a loan has been approved under the Municipal Rate Negotiations Revolving Loan Fund, the following requirements must be followed by the city(s) ~~or cities~~ and the ~~jurisdictional~~ utility:

016.035A1 The loan proceeds may only be used for the costs and expenses incurred to analyze the General Rate Filing ~~rate-filing~~ and negotiate a settlement that establishes new area-wide rates;

016.035A2 The costs and expenses may include the cost of rate consultants, attorneys, other advisors, and other necessary costs related to the negotiation process and preparation of a settlement agreement;

016.035A3 Every thirty (30) days following the Commission certification of the negotiation, the borrowing city(s) ~~or cities~~ must provide a report to the Commission, in a format to be specified by the Commission, which details the funds expended and the uses of such funds;

016.035A4 Within thirty (30) days after a settlement agreement is filed with the Commission, the borrowing city(s) ~~or cities~~ must provide a final report to the Commission which details the funds expended and uses of such funds;

016.035A5 If the borrowing city(s) ~~or cities~~ and the ~~jurisdictional~~ ~~u~~Utility fail to reach a settlement, the borrowing city(s) ~~or cities~~ must file with the Commission, within thirty (30) days of notification to the Commission that such settlement could not be reached, a final report which details the funds expended and the uses of such funds;

016.035A6 A city which receives a loan from the fund shall be responsible to provide for the opportunity for all other cities engaged in the same negotiations with the same ~~jurisdictional~~ ~~u~~Utility to participate in the negotiations. Such city shall not exclude any other city from the information or benefits accruing from the use of loan funds;

016.035A7 Upon the conclusion of negotiations, regardless of the result, the loan approved by the Commission after audit shall be repaid by the ~~jurisdictional~~ ~~u~~Utility to the Commission within thirty (30) days after the date upon which it is billed by the Commission. The ~~jurisdictional~~ ~~u~~Utility shall recover the amount paid on the loan by a special surcharge on customers who are or will be affected by the rate increase request. These customers may be billed on their monthly statements for a period not to exceed twelve (12) months, and the surcharge may be shown as a separate item on the statements as a charge for rate negotiation expenses.

016.035B Commission Audit: The Commission will audit each request for payment from the Municipal Rate Negotiations Revolving Loan Fund. In such audit, the Commission shall allow only such fees incurred for professional work reasonably necessary to analyze a ~~u~~Utility's General Rate Filing ~~rate-filing~~ or in the effort to negotiate new area-wide rates for the ~~u~~Utility, and such out-of-pocket expenses as are reasonably incurred in the conduct of such activities. Activities that are not subject to financing through a loan include, but are not limited to: activities related to obtaining a loan and disbursements related thereto; activities occurring prior to the ~~u~~Utility's General Rate Filing ~~rate-filing~~; and activities occurring prior to formal retention of an individual or firm to participate in

the negotiation process. The service provider's invoices must detail, at a minimum, a daily description of the work performed by each individual involved in the negotiation process, the hourly rate of such person, and must provide documentation of all expenses included with such invoice.

016.046 Signature of Verification of Loan: Any applicant municipality must sign, under oath, a verification in a format to be specified by the Commission, that it will comply with the provisions of the State Natural Gas Regulation Act and applicable rules and regulations. ~~A form affidavit is attached to these rules. The affidavit shall be submitted on a form approved by the Commission.~~

016.057 Travel, Lodging and Meal Expenses: Any travel, lodging or meal expenses reimbursed or paid by the proceeds from a loan from the Municipal Rate Negotiations Revolving Loan Fund must conform to the Nebraska State Accounting Manual published by the Nebraska Department of Administrative Services.

~~016.06 Multiple Applicants: If more than one loan application is filed on a given rate case, all applicants for funds will be notified of the identity and contact information of other applicants and will be given a limited number of days to coordinate and determine whether to make a joint application.~~

~~016.07 Application Scoring: If all applicants do not reach a mutual agreement, the Commission will evaluate applications based upon a budget statement identifying all costs for which loan funds will be used and a proposed timeline for progression of negotiations. Applications will be scored on the following scale:~~

~~016.07A Total points possible: 25.~~

~~016.07A1 Budget Statement: 15 points total, allocated as follows:~~

~~016.07A1a Thoroughness: 10 points; and~~

~~016.07A1b Reasonableness: 5 points.~~

~~016.07A2 Timeline: 10 points total, allocated as follows:~~

~~016.07A2a Thoroughness: 5 points; and~~

~~016.07A2a Reasonableness: 5 points.~~

017 BILLING:

**Commented [MN29]:** These sections were reordered, see 016.03 and 016.04.

017.01 Billing Basis: Bills for service may be based on meter readings or estimated usage only as permitted by Rule 0157.03. The Utility may render bills monthly or on some other regular schedule in accordance with tariffs on file with the Commission.

017.02 Customer Category: If a customer is eligible to receive service under more than one rate schedule, the ~~Utility~~, upon notice of this fact, must advise the customer of applicable, prospective alternatives.

017.03 Meter Readings: A ~~Utility~~ may schedule readings of all meters used for determining charges for customers in accordance with its meter reading policies and practices, and shall make all reasonable efforts to read the meters on corresponding dates of each meter reading period established by the ~~Utility~~. The ~~Utility~~ may permit the customer to supply the meter reading in a form prescribed by the ~~Utility~~. A ~~Utility~~ representative must attempt to read a meter at least once every two (2) months, and any billing between actual readings or when the ~~Utility company~~ is unable to read a meter after a reasonable effort has been made will be calculated in accordance with Rule 0157.04. A ~~Utility~~ representative must also read the meter at the commencement or termination of service unless such termination or commencement of service occurs at the same address as another termination or commencement of service within seven (7) days. Under such circumstances, the ~~Utility~~ may estimate the meter reading based upon dates of service for the departing and the new ~~customer ratepayer~~, and thereafter pro rate the monthly bill for service provided between the two (2) ~~customers ratepayers~~. Access to meters by the ~~Utility~~ must be granted by a ~~customer ratepayer~~.

017.04 Estimated Billing: When access to a meter cannot be gained, or when the ~~customer ratepayer~~ fails to supply a meter reading form in time for the billing operation, an estimated bill may be rendered. Estimated bills must be based upon prior usage, adjusted for weather conditions, number of days in the applicable billing cycle, and other known and reasonable factors.

017.05 Information on Bills: The bill sent to the ~~customer ratepayer~~ must include only information related to the ~~customer ratepayer's~~ account and bill inserts. The bill may include appropriate charges for non-regulated services, ~~such as e-g-~~ appliance repair. Bills provided to ~~customers ratepayer~~ for natural gas service must include the following information:

017.05A The meter reading and the date the meter was read;

017.05B The number and kinds of units metered;

017.05C Identification of the applicable rates;

017.05D The amount of the bill;



017.05E The late fee;

017.05F If an estimated bill, clear and conspicuous language identifying the bill as an estimated bill;

017.05G Tax, tax adjustment, state regulatory assessment, ~~or~~ gas supply cost adjustment, and any other Commission approved adjustments, ~~amounts~~ separately itemized, if applicable;

Commented [MN30]: A suggested addition by the PA.

017.05H A statement that customer ratepayer information is available upon request and where it can be obtained.

017.05I A conspicuous notice to customers ratepayers that should the ~~Utility~~ fail to satisfactorily resolve a service or billing dispute that they may refer the matter to the Nebraska Public Service Commission, including current address and telephone number.

017.06 ~~Ratepayer~~ Customer Payment Records: A ~~Utility~~ must retain a record showing the data contained on each monthly bill in accordance with its normal record retention policy and practices.

017.07 Meter Testing:

017.07A By ~~Ratepayer~~ Customer Request: Any customer ratepayer may request ~~its~~ the Utility to test the customer ratepayer's natural gas meter. The ~~Utility~~ must conduct the test as soon as reasonably possible after re-ceipt of the request. If a particular meter is tested at the request of the same customer ratepayer more than once in a two (2)-year period, the ~~Utility~~ may require a customer ratepayer to pay a reasonable meter test fee for the cost of testing the meter. The meter test fee must be refunded if the meter is found to have an error of two\_ percent (2%) or more. A customer ratepayer or a representative of the customer ratepayer may be present when the meter test is conducted. The ~~Utility~~ must supply a report giving the name of the customer ratepayer requesting the test; the date of the request; the location of the meter; the type, make, size and number of the meter; the date tested; and the results of the test to the customer ratepayer.

017.07B ~~Random Testing for Accuracy~~: Each ~~jurisdictional Utility~~ must establish a method or plan for verifying the accuracy of meter readings when such readings which indicate unusually high or low natural gas usage ~~by a utility~~ in comparison to the customer ratepayer's past or projected natural gas usage.

017.08 Credit and Deposit Policies:

017.08A Nondiscriminatory Credit Policy Required: Each ~~jurisdictional~~ ~~utility~~ shall fairly, and without discrimination, administer a credit policy which is easily understandable and which extends natural gas service to as many Nebraskans as possible. The credit policy must be based upon the credit risk of the individual as evidenced by the individual's past experiences with residential gas purchases without regard to the collective credit reputation of the area in which the individual lives.

017.08B For purposes of this rule, the following definitions apply:

017.08B1 Satisfactory Credit: Within the last year of service the ~~customer~~ ~~ratepayer~~ has not had service disconnected for nonpayment of a bill ~~for services rendered and~~, has received ~~less than three~~ no more than two (2) disconnection notices, ~~and does not have an outstanding undisputed debt with the Utility.~~ A Utility may allow a customer with unsatisfactory credit to ~~re-establish satisfactory credit pursuant to Rule 017.08C.~~ ~~Unless established otherwise in a jurisdictional utility's tariff or other extraordinary circumstances are pre-sent, a jurisdictional~~ ~~The~~ ~~utility~~ may not require ~~a new or an applicant for service or an existing~~ ~~customer~~ ~~ratepayer~~ to establish or re-establish credit for more than if that ratepayer or applicant for service exhibits satisfactory credit for twelve (12) consecutive months, but may allow less than twelve (12) months for good cause shown.

~~017.08B2 Unsatisfactory Credit: The ratepayer has had one or more disconnections in the last year of service, three or more disconnection notices in the last year of service, or has an undisputed outstanding debt with that jurisdictional utility. A jurisdictional utility may require that a ratepayer with unsatisfactory credit re-establish credit. If a ratepayer is unable to pay the full amount of a deposit, the jurisdictional utility may accept payment of the deposit in installments at the discretion of the jurisdictional utility.~~

Commented [MN31]: Combined with previous section.

017.08B~~3~~<sup>2</sup> Unknown Credit: If the applicant~~The~~ ~~ratepayer~~ has no known energy purchase experience, ~~— A jurisdictional~~ ~~the~~ ~~utility~~ ~~can~~ may require that the applicant establish satisfactory credit pursuant to Rule 017.08C. ~~credit satisfactory to the jurisdictional utility.~~

017.08C Establishment or Re-establishment of Satisfactory Credit for Residential Service: To establish or re-establish satisfactory credit for residential service, a ~~jurisdictional~~ ~~Utility~~ may require an applicant for service or a customer ratepayer to comply with the following:

017.08C1 Make a deposit of not more than one-sixth (1/6) of the estimated annual bill or increase an existing deposit to that level; or

017.08C2 Provide a guarantor who has satisfactory credit.

017.08C3 If a customer is unable to pay the full amount of a deposit, the Utility may accept payment of the deposit in installments at the discretion of the Utility.

Commented [MN32]: Moved from old Rule 017.08B2.

017.09 Billing Adjustments: For all billing adjustments resulting in a charge to the customer ratepayer, a ~~jurisdictional~~ ~~Utility~~ must offer a reason-able amount of time for payment.

017.09A Adjustments ~~of to~~ Bills for ~~Slow or~~ Fast Meter Error: Whenever any meter tested by a ~~jurisdictional~~ ~~Utility~~ is found to have an error of two percent (2%) fast or more, it must refund or credit to the customer ratepayer the overcharge. The refund for a fast meter will result in a credit for the entire time period that the meter was malfunctioning, not to exceed five (5) years.

Commented [MN33]: Added to limit the timeframe of recovery to the statute of limitations § 25-205.

017.09B Adjustments to Bills for Slow Meter Error: ~~Whenever any~~ meter tested by the ~~Utility~~ is found to have an error of two percent (2%) slow or more, it may charge for the natural gas consumed but not included in the bill(s) previously rendered. ~~The refund for a fast meter will result in a credit for the entire time period that the meter was malfunctioning.~~ The charge for a slow meter must be based on the corrected meter reading for a period equal to 50% one-half of the time elapsed since the most recent test, but not to exceed twelve (12) months. If the period of the malfunctioning slow meter exceeds twelve (12) months and can be fixed with reasonable certainty, any uncollected charges may be included in the ~~jurisdictional~~ ~~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.

Commented [MN34]: We divided and reorganized these sections to make them clearer.

Commented [MN35]: Moved to previous section.

017.09~~BC~~ Limits on Estimated Billing Adjustments to Bills for Meters Failing to Register: The Utility may estimate bills for future customer 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.~~If a meter is found not to register or to register intermit-tently for any period, subject to statutory limits, the a utility may charge for an estimated amount of natural gas used, but not to exceed six months. Bills estimated under this section must be based upon prior usage, adjusted for weather conditions, number of days in the applicable billing cycle, and other known and reasonable factors.~~

**Commented [MN36]:** We revised the heading to clarify the limitations here are on the amount of time an estimated bill may be issued.

017.09~~CD~~ Adjustments to Bills for Other Meter and Billing Errors: If a customer ~~ratepayer~~ has been overcharged or undercharged as a result of an error, including but not limited to, incorrect reading of the meter, incorrect application of a utility tariff, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reason, the overcharge must be credited or refunded to the customer ~~ratepayer~~ or the undercharge may be billed to the customer ~~ratepayer~~. Any refund or credit shall cover the entire period that the account was over-charged, not to exceed five (5) years. Any charge billed shall not be for service exceeding twelve (12) months. If the period for the underbilling errors described herein exceeds twelve (12) months and can be fixed with reasonable certainty, any uncollected charges may be included in the ~~jurisdictional~~ Utility's next ~~g~~General ~~r~~Rate ~~f~~Filing, or in a gas cost adjustment filing where uncollect-ible 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 ~~p~~Prudently incurred in the provision of natural gas service.

**Commented [MN37]:** Added to comply with applicable statute of limitations, § 25-205.

#### 018 CONSUMER CHOICE PROGRAMS:

018.01 ~~Administering Utility:~~ Is any Utility offering a Consumer Choice Program.

**Commented [MN38]:** We are trying to clarify this section so tried calling the utility offering the choice program the "administering utility" instead of saying repeatedly, "a jurisdictional utility offering a consumer choice program".

018.01~~2~~ Code of Conduct: ~~Any jurisdictional utility offering consumer choice programs~~ An Administering Utility shall in its tariff approved by the Commission, adopt a code of conduct for ~~jurisdictional Administering Utilities, and one for S~~suppliers and ~~A~~aggregators participating in the ~~e~~Consumer ~~e~~Choice ~~p~~Programs.

018.03~~1A~~ Jurisdictional Administering Utility Code of Conduct: Any code of conduct ~~for jurisdictional utilities~~ adopted by an Administering

Utility jurisdictional utility offering consumer choice programs shall at a minimum include the following principles:

018.03A1A1 Maintain Separate accounting records for revenues and costs.

018.013B Not give No preferential treatment or advantage be given, either overtly or covertly, to any Supplier participating in a choice gas program by the jurisdictional utility operating the choice gas program.

018.013C Make Any information disclosed by an Administering Utility jurisdictional utility operating a choice gas program shall be made available in a reasonable time and manner to all participating Suppliers. This provision does not include disclosure of confidential customer information.

018.031D A requirement Ensure that any rule, regulation and/or tariff provision applied by a jurisdictional the Administering utility in the administra-tion of a choice gas program be done in a non-discriminatory, equal manner.

018.031E A jurisdictional utility offering a consumer choice program(s) shall not by word or action misrepresent the cost, quality, or reliability of a particular gas supplier or Aggregator or represent that the regulated gas service would/could be adversely affected by a customer selection of a particular gas supplier or Aggregator.

018.031F A jurisdictional utility offering a consumer choice program(s) shall not misrepresent or misquote the commodity price of any supplier or Aggregator.

018.031G A jurisdictional utility offering a consumer choice program(s) s shall not market or advertise its the Administering Utility's services in a misleading or deceptive manner;

018.031H A jurisdictional utility offering a consumer choice program(s) s shall not engage in any activities under a in the econsumer eChoice program detrimental to the customer consumer including, but not limited to, activities such as slamming or cramming;

018.031I A jurisdictional utility offering a consumer choice program(s) s shall not unduly discriminate against similarly situated customers.

018.031J In the event the a jurisdictional Administering utility also has an Affiliate that acts as a participant Supplier in a choice program, the Utility shall:

~~018.031~~J1 Keep separate accounting records for the activities of the choice gas program and Affiliate Supplier;

~~018.031~~J2 Keep separate and distinct all marketing, advertising and other promotional activities.  
~~Regulations.~~

~~018.024~~ Supplier/Aggregator Code of Conduct: Any tariff filed by the Administering Utility ~~a jurisdictional utility offering a consumer choice program~~ shall include a code of conduct for participating ~~S~~Suppliers or ~~A~~Aggregators. The ~~S~~Supplier/~~A~~Aggregator code of conduct shall require at a minimum that all participating Suppliers and Aggregators include the following principles:

~~018.024A~~ ~~A supplier or aggregator participating in a consumer choice program shall n~~ Not misrepresent through word or action the quality or reliability of other ~~gas S~~Suppliers ~~and/or A~~Aggregators.

~~018.024B~~ ~~A supplier or aggregator participating in a consumer choice program shall n~~ Not misrepresent or misquote the commodity price of any ~~gas S~~Supplier or ~~A~~Aggregator.

~~018.024C~~ ~~A supplier or aggregator participating in a consumer choice program shall n~~ Not market or advertise its services in a misleading or deceptive manner.

~~018.024D~~ ~~A supplier or aggregator participating in a consumer choice program shall n~~ Not engage in any activities ~~under a consumer choice program~~ detrimental to the customer ~~consumer~~ including, but not limited to, activities such as slamming or cramming.

~~018.024E~~ ~~A supplier or aggregator participating in a consumer choice program shall n~~ Not unduly discriminate against similarly situated customers.

~~018.052~~F Supplier/Aggregator Annual Report: A ~~gas S~~Supplier or Aggregator participating in a ~~e~~Consumer ~~e~~Choice ~~p~~Program shall submit a report to the Commission pursuant to this section on an annual basis. The report shall be filed with the Commission no later than thirty (30) days following the close of the consumer choice Ssupplier selection period. The report shall include the following information:

018.05A The number of customers served by the Supplier separated into residential and commercial classes;

~~018.05B The~~ the highest and lowest fixed rate per therm price in each rate area of the Administering Utility ~~price offered selected by a customer~~ ~~the supplier~~ during the consumer choice supplier selection period; and

**Commented [MN39]:** Based on comments from suppliers at the workshop we clarified we want the highest and lowest price actually selected by a customer, not the highest or lowest potential rate that could have been selected.

~~018.05C and the~~ The rate assigned to determined for customers eligible to make a selection who did not make a selection during the ~~consumer choice supplier~~ selection period for each rate area of the Administering Utility served by the Supplier.

**Commented [MN40]:** These clarifications are based on years of feedback from suppliers.

~~018.063~~ Administering Utility Annual Report: ~~The Administering Utility a jurisdictional utility offering a consumer choice program~~ shall submit a report to the Commission pursuant to this section on an annual basis. The report shall be filed with provided to the Commission no later than thirty (30) days following the close of the consumer choice supplier selection period. The report shall include the following information:

~~018.063A~~ A list of all Suppliers and Aggregators that participated in the choice gas program.

~~018.063B~~ For each participating Supplier or Aggregator the ~~total~~ number of customers that selected that Supplier or Aggregator, separated into residential and commercial classes.

**Commented [MN41]:** Added after comments at the workshop. This was the expectation and was provided.

~~018.074~~ Examination and Audit Requirements: Consistent with Neb. Rev. Stat. § 66-1818, the Commission may require an examination and audit of any Administering Utility a jurisdictional utility offering a consumer choice program.

## 019 AFFILIATES:

~~019.01~~ Scope: The following rules ~~must~~ apply to Affiliates that sell natural gas purchased from a producer or other seller. A division of a ~~jurisdictional u~~Utility that operates as a functional unit within the ~~jurisdictional u~~Utility shall also be treated as an Affiliate for purposes of the Natural Gas and Pipeline Rules and Regulations. This section does not apply to Affiliates conducting non-regulated private enterprise business activity or Shared Resources Affiliates.

~~019.02~~ Affiliate Rules: All Affiliates must comply with the following:

~~019.02A~~ ~~The affiliate must e~~ Either employ separate personnel and not share any personnel with the ~~u~~Utility or allocate shared employee time between the ~~u~~Utility and the Affiliate.

~~019.02B~~ Not create a conflict of interest between the employee incentive programs of the Affiliate and the Utility. The affiliate's and jurisdictional utilities' employee incentives must not create a conflict of interest.

019.02C ~~The affiliate must o~~ Own or lease its own office space that is reasonably separate from the ~~u~~Utility. Such office space ~~may only cannot~~ be acquired from the ~~u~~Utility ~~except~~ at market-based rates.

019.02D If the ~~A~~affiliate seeks to provide service over the system of the ~~jurisdictional u~~Utility with which it is affiliated, the ~~jurisdictional u~~Utility must have adopted a code of conduct approved by the Commission pursuant to these rules.

019.02E ~~The affiliate must p~~ Purchase its own ancillary services related to the delivery of natural gas including, but not limited to, natural gas commodity, pipeline transportation, and pipeline storage. Such assets ~~must not may only~~ be acquired from the ~~u~~Utility ~~except~~ at market-based rates. An ~~A~~affiliate must not secure transportation, storage, or commodity from the ~~u~~Utility on a prearranged, non-posted basis except as otherwise provided in a nondiscriminatory fashion.

019.02F ~~The affiliate must r~~ Receive no unduly preferential treatment through a tariff provision or otherwise from the ~~u~~Utility.

019.02G ~~The affiliate must r~~ Receive no jurisdictional services from the ~~u~~Utility except those that are available per the ~~u~~Utility's tariff.

019.02H ~~The affiliate must b~~ Be responsible for its own bad debt and the collection of such debts.

019.02I ~~The affiliate must n~~ Not represent itself, either expressly or implicitly, as the ~~u~~Utility.

019.02J ~~The affiliate must k~~ Keep separate records from that of the ~~u~~Utility.

020 EMERGENCY CURTAILMENT PLANS: A ~~jurisdictional u~~Utility's tariff shall identify the manner of curtailing or limiting natural gas consumption in the event of an emergency.

021 SEASONAL DISCONNECTIONS:

021.01 Seasonal Disconnection Charges Prohibited: Seasonal ~~e~~Disconnection ~~e~~Charges shall not be permitted. A ~~jurisdictional u~~Utility may charge reconnection fees equal to those charged to any other ~~rate-payer~~ customer receiving service.

022 PUBLIC ADVOCATE:



022.01 Location of Commission: For purposes of Neb. Rev. Stat. ~~Sec.~~ § 66-1832, the location of the Commission means Lincoln, Nebraska.

~~Nebraska Public Service Commission  
Municipal Rate Negotiations Revolving Loan Fund  
Application Form~~

**Commented [MN42]:** We are proposing to not include the actual forms in the rules, so they can be updated or modified by Commission approval instead of a rulemaking proceeding. Rules 16.01 & 16.04 have been updated to reflect this change.

~~Date:~~

~~Applicant City/Cities:~~

~~Primary Contact Person:~~

~~Please include: Name, Title, Address, Telephone Number, Fax Number and E-mail address.~~

~~Jurisdictional Utility Name and Rate Case Docket Number:~~

~~Loan Amount Requested:~~

~~Budget Statement:~~

~~Please include or attach a budget statement identifying all costs for which loan funds will be used, if the loan application is approved. If any consultants, attorneys or other service providers have been selected, please identify them and describe how they were selected. If the applicant has not yet selected any consultants, attorneys or other service providers, please provide a description of the manner in which a selection would be made.~~

~~At minimum, please provide the amounts budgeted for the following categories of costs:~~

- ~~• Attorney Fees~~
- ~~• Consultant Fees~~
- ~~• Travel Expenses~~
- ~~• Other Expenses~~

~~Timeline for Negotiations:~~

~~Please provide a proposed timeline for negotiations, within the parameters of the State Natural Gas Regulation Act.~~

~~NOTE: Only one loan may be made for each rate filing made by a jurisdictional utility, pursuant to Neb. Rev. Stat. § 66-1839. If more than one loan application is filed on a given rate case, all applicants for funds will be notified of the identity and contact information of other applicants and will be given a limited number of days to coordinate and determine whether to make a joint application.~~

~~If all applicants do not reach a mutual agreement, the Commission will use the following criteria to determine which application will be granted:~~

~~Total points possible: 25~~

~~Budget Statement (15 points total):~~

~~Thoroughness (10 points)~~

~~Reasonableness (5 points)~~

~~Timeline (10 points total):~~

~~Thoroughness (5 points)~~

~~Reasonableness (5 points)~~

~~BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION~~

~~AFFIDAVIT OF APPLICANT~~

~~\_\_\_\_\_ being duly sworn deposes and  
says:~~

~~1. Affiant's full name and address is:~~

~~\_\_\_\_\_  
\_\_\_\_\_ Full name of Applicant~~

~~\_\_\_\_\_  
\_\_\_\_\_ Address: Street, P.O. Box, City, State, Zip Code~~

~~2. Affiant holds the title of \_\_\_\_\_~~

~~3. Affiant is familiar with and will conform with the Nebraska statutes  
governing natural gas and with the Commission's rules and regulations  
there under.~~

~~I certify that all statements made and matters set forth in the application  
are true and correct to the best of my knowledge, information and belief.~~

~~\_\_\_\_\_~~

~~SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.~~

~~\_\_\_\_\_  
\_\_\_\_\_ Notary Public~~