

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on )  
its own motion, seeking to amend Title ) Rule and Regulation No. 210  
291, Chapter 9, Natural Gas and Oil )  
Pipeline, to update, modernize, correct )  
errors, and reorganize the chapter. )

**COMMENTS OF  
NORTHWESTERN ENERGY**

On October 11, 2023, the Nebraska Public Service Commission (“Commission”) opened this docket to amend provisions of the Commission’s rules and regulations, Chapter 9, Natural Gas and Oil Pipeline Rules and Regulations, seeking to “modernize and update procedures, correct typographical errors, clarify and reorganize various sections, and conduct an overall cleanup of Section 001 through Section 022 of its Rules.” See *Order Opening Docket, Releasing Proposed Rules and Seeking Comment (Oct. 11, 2023)*. The Commission released its proposed rules (“Proposed Rules”) and sought public comments from interested parties. NorthWestern Energy Prairies Corporation (“NorthWestern”) hereby submits the following comments on the Commission's Proposed Rules:

- Section 004.13 of the Proposed Rules reads as follows:

004.13 Exemption from Rules: A ~~Jurisdictional~~ Utility, whose current rates were approved through and following negotiations and agreement with affected cities and who seeks negotiation of a general rate application with affected cities pursuant to Neb. Rev. Stat. § 66-1838, shall be exempt from the requirements of Sections 004.01C and 004.04G. Should negotiations fail to result in an agreement upon new rates, the ~~Jurisdictional~~ Utility shall file with the Commission the information required in Sections 004.01C and 004.04G

within ten (10) days after the date of the expiration of the negotiation period or after the date upon which the ~~jurisdictional~~ Utility and the cities file a written agreement that the negotiations have failed, whichever is earlier.

COMMENT: Due to other proposed revisions within Section 004.04 (“Section III – Operating Expense Schedules”), it appears the cross-reference to “Section 004.04G” within Proposed Rule 004.13 should be amended to instead reference “Section 004.04H.”

- Section 017.09C of the Proposed Rules reads as follows:

017.09BC 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 intermittently 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.~~

COMMENT: The language of current Section 017.09B (amended by Proposed Rule 017.09C above) appears to cover permissible estimated billing practices for *past* usage

by a customer whose meter is found to not register or to register intermittently for a period of time. In practice, if a Utility discovers a bad meter, the Utility will remedy the issue and replace the meter as soon as it becomes aware of the issue. Therefore, it would be *past* natural gas usage the Utility needs to estimate billing for—*i.e.*, the period of time the customer possessed a bad meter. Proposed Rule 017.09C appears to take the existing Rule a new direction and provide Utilities the ability to estimate *future* usage for billing purposes. This makes little sense in practice, as future usage would be accurately recorded once the bad meter is replaced. NorthWestern recommends Proposed Rule 017.09C retain the existing language found in the current Section 017.09B.

NorthWestern respectfully requests the Commission consider its comments regarding the above-referenced Proposed Rules and incorporate NorthWestern's proposed language into the Commission's final rules.

DATED: January 24, 2024

NORTHWESTERN ENERGY PRAIRIES  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing motion was served upon the following by email on January 24, 2024.

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