



Douglas J. Law
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1731 Windhoek Drive
Lincoln, NE 68512
P: 402.221.2635

March 27, 2023

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

Re: *Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy
Uncontested Application for Extension of Service*

Dear Ret. Col. Golden:

Black Hills Energy hereby transmits its Uncontested Application for Extension of Service regarding a new development in Sarpy County.

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

Attachment

cc: Robert Amdor
Don Nordell
Kris McCoy
Service List
Nicole Mulcahy

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

IN THE MATTER OF BLACK HILLS
NEBRASKA GAS, LLC d/b/a BLACK
HILLS ENERGY PROVIDING NOTICE
REQUIRED BY NEB. REV. STAT. §
66-1863, AS AMENDED, THAT IT
INTENDS TO EXTEND OR ENLARGE
ITS SERVICE AREA OR EXTEND A
GAS MAIN.

APPLICATION No. P-12.34

UNCONTESTED APPLICATION FOR EXTENSION OF SERVICE

Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy (“Black Hills Energy”) applies to the Nebraska Public Service Commission (the “Commission”) pursuant to *Neb. Rev. Stat. § 66-1863 et. seq.* and Commission Regulations 291 Neb. Admin. Code, Chapter 9, Rule 003 for approval of an uncontested proposed permanent Black Hills Energy’s natural gas distribution system extension.

Black Hills Energy proposes to extend its existing Black Hills Energy natural gas pipeline and system facilities located in and around Gretna, Nebraska to provide gas for the Sunset Meadows development (“Sunset Meadows Development”) to be developed near 204th Street (a/k/a Highway 6/31) from Giles Road to the planned Sunset Meadows entrance at Josephine Street in Sarpy County, Nebraska. In addition to the extension of its natural gas main, Black Hills Energy intends to install additional mains and service lines over time throughout the Sunset Meadows Development. See Exhibit A.

The proposed extension of Black Hills Energy’s main consists of approximately 3,875’ of 6” high density polyethylene (HDPE) natural gas pipe to

be located within the State of Nebraska's Right-of-Way ("ROW") on the west side of 204th Street in Gretna, Nebraska. Black Hills Energy will also construct additional mains and services in cooperation with the development of the Sunset Meadows Development.

Black Hills Energy contends that the extension of its gas distribution main line and related service lines is in the public interest.

In support of its application, Black Hills Energy states as follows:

1. Subject to approval of the Nebraska Public Service Commission ("Commission") in this proceeding, Black Hills Energy and the developer of Sunset Meadows Development, Woodsonia Real Estate, have reached an agreement for permanent natural gas service from Black Hills Energy. To that end, Black Hills Energy intends to initially provide natural gas during construction of the Sunset Meadows Development. Thereafter, Black Hills Energy will extend its system within the Sunset Meadows Development when the developer is ready for the expansion of Black Hills Energy's system throughout that planned subdivision.

2. Black Hills Energy possesses a current municipal franchise from the City of Gretna, Nebraska. Black Hills Energy has natural gas distribution facilities directly adjacent to the proposed extension, which will eventually be subject to the jurisdiction of the City of Gretna, Nebraska.

3. The Metropolitan Utilities District ("MUD") operates natural gas services lines on the north (Douglas County) side of Harrison Street near 204th

Street and Black Hills Energy operates its natural gas service lines on the south (Sarpy County) side of Harrison Street in Sarpy County, Nebraska. Black Hill's Energy's existing main line at 204th Street & Giles Road in Sarpy County, Nebraska, would be extended to the north to Josephine Street. This extended line would then be further expanded to provide natural gas mains and services with the new Sunset Meadows Development.

4. Black Hills Energy notified MUD of the potential permanent natural gas lines and service via letter dated March 9, 2023. See Exhibit B. MUD has informally indicated they have no objection to this Application.

5. Neither the proposed Black Hills Energy natural gas line extensions nor the new development are currently located inside the city limits of Gretna. However, both the gas line and the Sunset Meadows Development are located within the extraterritorial jurisdiction of the City of Gretna. See Exhibit C showing the corporate boundaries of Gretna.

6. Black Hills Energy serves the City of Gretna, Nebraska, and its extraterritorial jurisdiction under a current and valid natural gas franchise. As shown on Exhibit A of this application, Black Hills Energy currently has a natural gas main located near 204th Street and Giles Road and intends to extend that line to provide service to the construction and new development of the Sunset Meadows Development.

7. Black Hills Energy anticipates that construction and installation of permanent natural gas mains and service lines for the Sunset Meadows Development will commence by late Spring 2023¹.

8. A map depicting known existing infrastructure and the proposed location of the Sunset Meadows Development in comparison to BHE's existing facilities in that area is attached to this application as Exhibit D.

9. The extension of Black Hills Energy's gas distribution system for the Sunset Meadows development is economically feasible. No financial contribution is needed from other Black Hills Energy customers for the natural gas service extensions.

10. The extension of Black Hills Energy's gas distribution system for the development of the Sunset Meadows Development contributes to the orderly development of natural gas utility infrastructure. Black Hills Energy has a gas main in the area as indicated in Paragraph 5 above. In addition, when the City of Gretna expands into its extraterritorial zoning jurisdiction, Black Hills Energy will be the service provider to those customers. A map depicting the zoning jurisdiction is attached as Exhibit E.

11. The extension of Black Hills Energy's gas distribution system for the permanent construction of the Sunset Meadows Development will not result in duplicative or redundant natural gas utility infrastructure. Black Hills

¹ Black Hills Energy understands that construction cannot occur until the Commission's review and approval of distribution extension applications is completed.

Energy's existing natural gas service areas currently surround the Sunset Meadows Development in Sarpy County. In addition, Black Hills Energy system extension will stop at Harrison Street, which is a border between Sarpy County and Douglas County. Any future MUD expansion of its gas distribution system north or west of this proposed extension in Douglas County is not a part of this application.

12. The extension of Black Hills Energy's gas distribution system for the construction of the Sunset Meadows development is applied in a non-discriminatory manner.

13. The extension of Black Hills Energy's gas distribution system for the permanent construction of the Sunset Meadows Development does not require the production of books, records, vouchers, or other items require by Commission Rule 003.007F² as MUD has already informally indicated that MUD does not contest Black Hills Energy's extension of the permanent Sunset Development service line.

14. The Exhibits supporting this application are as follows:

Exhibit A – Map showing proposed extension of permanent line

Exhibit B – Black Hills Energy notification of proposed extensions to MUD

Exhibit C – Corporate Boundaries of Gretna, Nebraska

Exhibit D – Sunset Meadows – Project Map

Exhibit E – Black Hills Energy and MUD Boundary and Facilities

² 291 Neb. Admin. Ch.9, Rule 003.007F.



WHEREFORE, Black Hills Energy prays for an order determining that the proposed extension by Black Hills Energy for the permanent natural gas lines servicing the Sunset Meadows development is in the public interest.

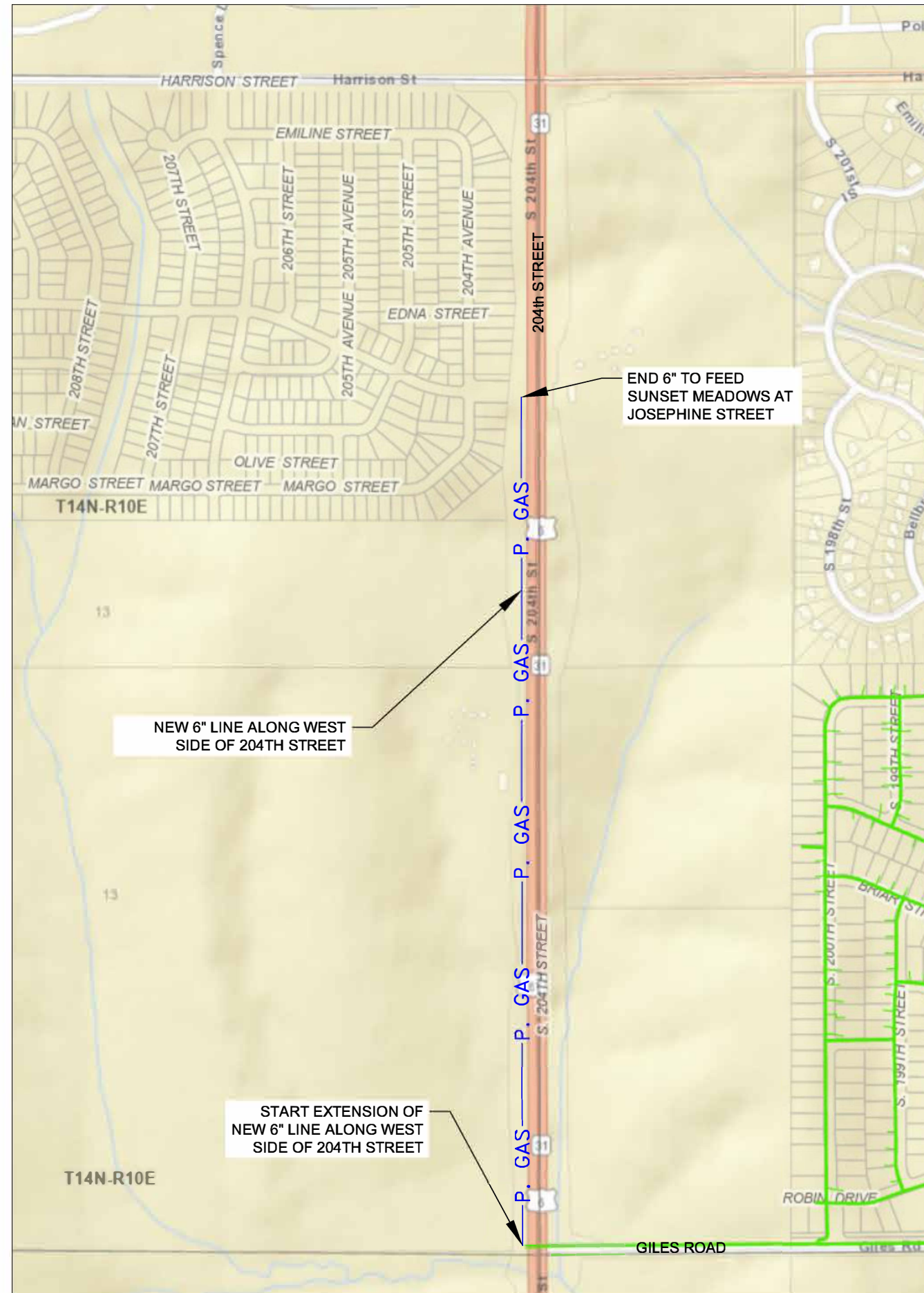
Respectfully submitted this 27th day of March, 2023.

BLACK HILLS NEBRASKA GAS, LLC
d/b/a BLACK HILLS ENERGY,

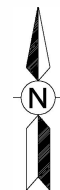
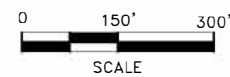
By: /s/ Douglas J. Law
Douglas J. Law, #19436
Associate General Counsel
Black Hills Energy
1731 Windhoek Drive
Lincoln, NE 68512
Phone: (402) 221-2635
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EXHIBIT A

- LEGEND**
-  EXISTING BHE LINES
 -  P. GAS PROPOSED PERMANENT BHE LINES



LOCATION VIEW



BHE FACILITIES FOR SUNSET MEADOWS DEVELOPMENT
GRETNA, NE SARPY COUNTY

DATE	2/14/2023	2023 CONSTRUCTION
DRAWN BY	J. KOLLARS	DRAW TYPE
SCALE	NONE	PRELIM.
DRAWING NUMBER	811	NO.
ENGINEER		DATE
		FINAL
		PKNO.
		NUMBER
		1 OF 1

Nebraska Operations
11526 Valley Ridge Dr
Papillion, NE
68046





Douglas J. Law
Associate General Counsel
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Lincoln, NE 68512
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March 9, 2023

Mark_Mendenhall@mudnebr.com

Mr. Mark Mendenhall
Senior Vice President, General Counsel
Metropolitan Utilities District of Omaha
7350 World Communications Drive
Omaha, NE 68122-4041

RE: **Black Hills Nebraska Gas, LLC (Black Hills Energy)
Natural Gas Service to Sunset Meadows Development**

Dear Mr. Mendenhall:

The purpose of this letter is to provide notice of Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy's ("Black Hills Energy") intention to file an Application with the Nebraska Public Service Commission ("Commission") requesting Commission approval of expansion of Black Hills Energy's existing natural gas distribution system to the Sunset Meadows Development near Gretna, Nebraska. The new development will be located near 204th Street (a/k/a Highway 6/31) at Josephine Street in Sarpy County, Nebraska. This subdivision will require Black Hills Energy to extend Black Hills Energy's natural gas main from Highway 370 and Giles Road initially, and the installation of additional mains and service lines throughout the Sunset Meadows Development, as needed over time.

The length of the main natural gas expansion is currently designed to be 3,875 feet, using 6" HDPE pipe. Black Hills Energy intends to begin installation of the proposed extension in the Spring of 2023. The new gas service main extension project is expected to extend to the southwest quarter of 204th and Harrison on the Sarpy County side of Harrison Street, and expected to be a part of the extra-territorial jurisdiction and future growth area of the City of Gretna.

Black Hills Energy has reached an agreement with the developer, Woodsonia Real Estate, for this expansion. Black Hills currently holds a legal natural gas franchise with the City of Gretna and its extraterritorial jurisdiction and operates its natural gas service lines on the south (Sarpy County) side of Harrison Street in Sarpy County, Nebraska.

Mr. Mark Mendenhall
March 9, 2023
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Attached for your convenience is Exhibit A to our proposed Application, depicting the proposed extension.

We intend to file our application by March 24, 2023 and have provided the form below for convenience if you do not oppose this Application. If, however, you would like to discuss the expansion, please contact me at 402-221-2635 at your earliest convenience.

Respectfully submitted,

/s/ *Douglas J. Law*

Douglas J. Law #19436
Associate General Counsel

DJL:ce

MUD SIGNATURE AND ACKNOWLEDGEMENT:

Please indicate that the Metropolitan Utilities District does not oppose the proposed expansion by Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy by signing and dating this form below.

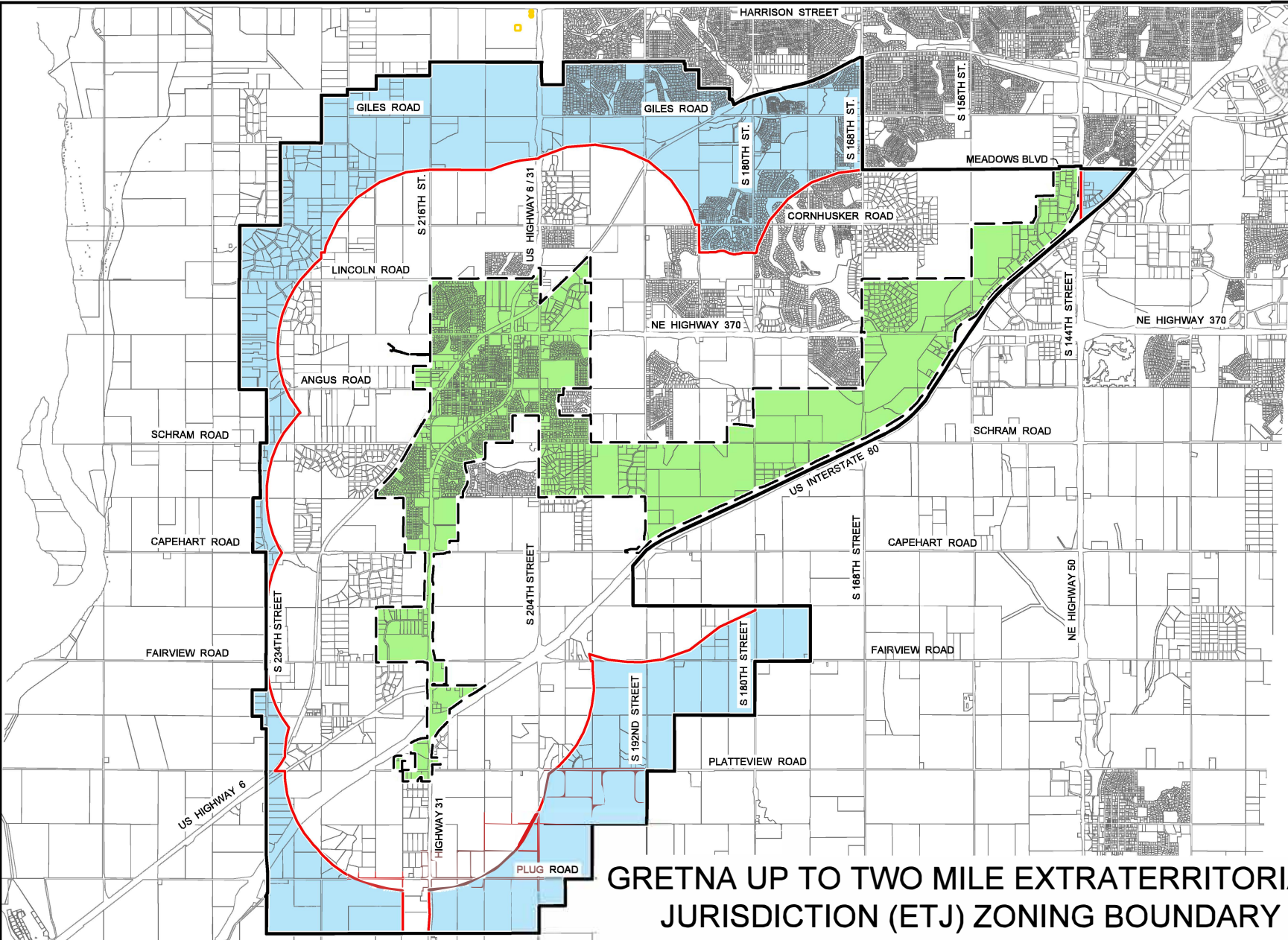
METROPOLITAN UTILITIES DISTRICT

By: _____

Print Name: _____

Title: _____

Date: _____



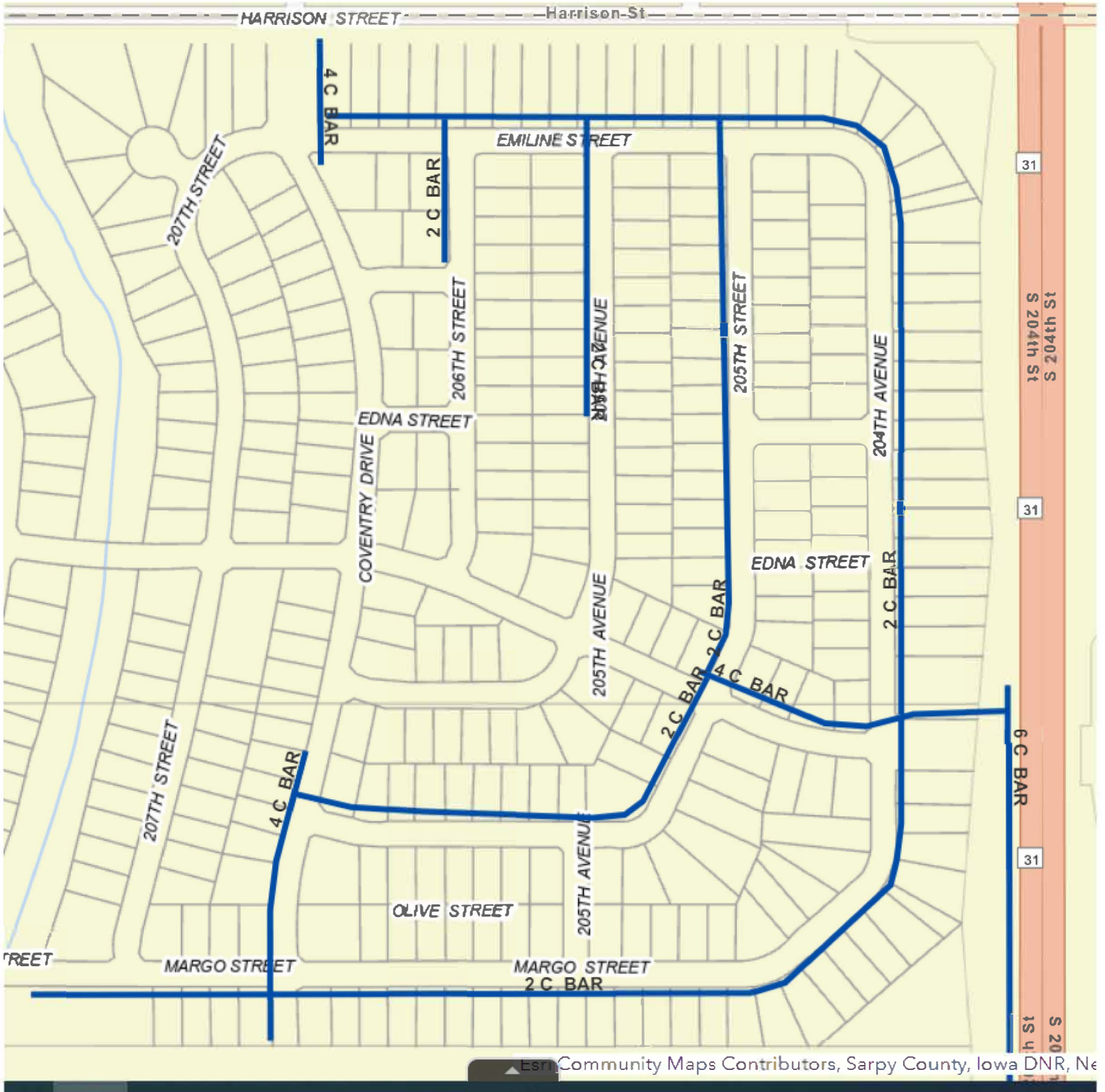
LEGEND

- CITY LIMITS
- CURRENT ONE MILE EXTRATERRITORIAL JURISDICTION (ETJ) ZONING BOUNDARY
- NEW UP TO TWO MILE EXTRATERRITORIAL JURISDICTION (ETJ) ZONING BOUNDARY
- NEW AREA UP TO TWO MILE ETJ BOUNDARY

GRETNA UP TO TWO MILE EXTRATERRITORIAL JURISDICTION (ETJ) ZONING BOUNDARY

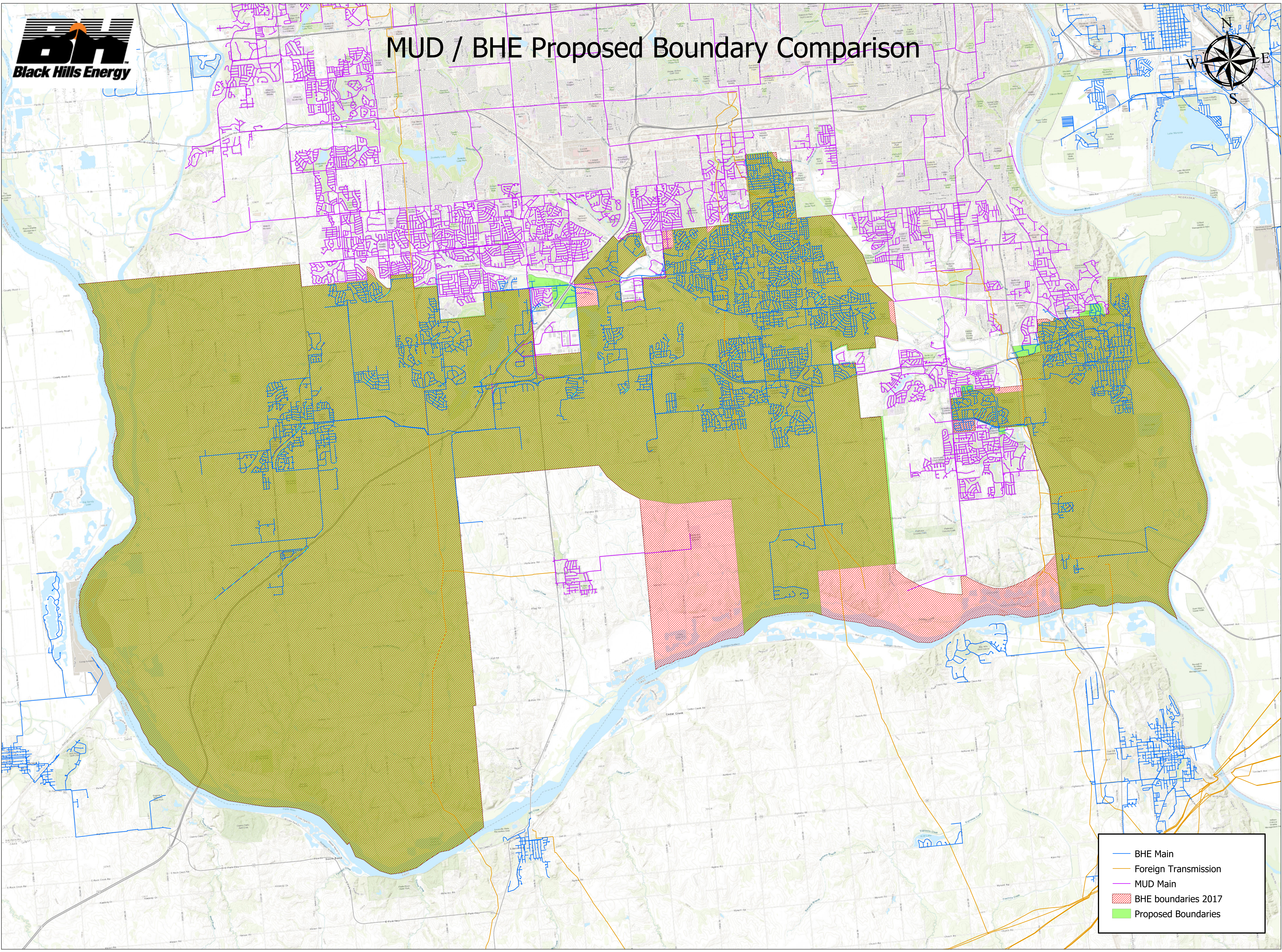
C:\Projects\Gretna\21-04-20 Area\Map 21-04-20.dwg : 8.5x11 [Plot Date: 8/26/2021 10:12 AM]

EXHIBIT D





MUD / BHE Proposed Boundary Comparison



- BHE Main
- Foreign Transmission
- MUD Main
- ▨ BHE boundaries 2017
- Proposed Boundaries