

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of SourceGas) Application No. NG-0060
Distribution LLC, Lakewood,)
Colorado, seeking approval of a) ASSESSMENT ORDER
general rate increase.) NO. HS-007.2
)
) Entered: July 13, 2010

BY THE COMMISSION:

The Commission received a letter dated November 19, 2009, from Harding & Shultz for Public Advocate's Consultant services associated with the above-captioned docket incurred from August through November 2009, totaling \$19,950.00. The Commission also received a letter dated March 31, 2010, from Harding & Shultz for Public Advocate's Consultant services associated with the above-captioned docket incurred from November to December 2009, totaling \$10,234.25. Commission staff has reviewed the invoices and found them to conform to the Agreements dated October 23, 2009, and November 15, 2008, between the Commission and Harding & Shultz.

Regarding the letter of November 19, 2009, the Commission had determined that the 2009-2010 fiscal year cap on investigation-related assessments under Neb. Rev. Stat. § 66-1840 would be exceeded if the full amount due were assessed; therefore assessments were made in the amount of \$10,000.00 on December 15, 2009, and of \$515.16 on June 29, 2010; leaving a balance due of \$9,434.84.

Investigation-related assessments are governed by Neb. Rev. Stat. § 66-1840, which specifies a maximum limit on the amount that may be assessed to a jurisdictional utility during a fiscal year:

The total amount, in any one fiscal year, for which any utility shall be assessed under this section shall not exceed the following: (a) For a jurisdictional utility that has not filed an annual report with the commission as provided in the State Natural Gas Regulation Act prior to the beginning of the commission's fiscal year, actual expenses, including direct and indirect expenses, incurred by the commission; and (b) for any other jurisdictional utility, one percent of the utility's gross operating jurisdictional revenue less gas cost derived from intrastate natural gas utility business as reflected in the last annual report filed with the commission pursuant to the act prior to the beginning of the commission's fiscal year. The commission may render bills in

one fiscal year for costs incurred within a previous fiscal year.

Neb. Rev. Stat. § 66-1840.

The maximum amount assessable to SourceGas for the 2010-2011 fiscal year is \$376,850.81, consistent with Neb. Rev. Stat. sec. 66-1840. In order to make available up to \$100,000 for assessment to SourceGas under sec. 66-1840 for any matter during the 2010-2011 fiscal year and consistent with a letter from the Public Advocate dated July 12, 2010, which specifies assessment amounts to be distributed among the Public Advocate and its consultants, Commission staff recommends the Commission approve assessment in the amount of \$9,434.84 for payment of the November 19, 2009, invoice and \$835.21 for partial payment of the March 31, 2010 invoice against SourceGas Distribution LLC (SourceGas), pursuant to Neb. Rev. Stat. sec. 66-1840. The remaining balance may be assessed at a later date.

O P I N I O N A N D F I N D I N G S

Upon the recommendations of the Commission staff, the Commission finds that assessment against SourceGas of the expenses reflected in the above-mentioned invoice from Harding & Shultz should be approved. The Commission further finds that the Commission should pay the invoice upon receipt of payment by SourceGas.

O R D E R

IT IS THEREFORE ORDERED by the Commission that the above-mentioned assessment totaling \$10,270.05 is approved and hereby made.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of July, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis
Aune Boyce
Tim Schram

Chairman

Gerald L. Vap

ATTEST:

Sheryl S.

//s// Frank E. Landis
 //s// Gerald L. Vap

Executive Director