

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. P-0004  
of Peoples Natural Gas, Omaha, )  
Nebraska, seeking resolution of ) ORDER ON M.U.D.'s MOTION  
a dispute under Nebraska Revised ) FOR CLARIFICATION,  
Statutes Section 57-1306. ) RECONSIDERATION, OR  
) REHEARING  
)  
) Entered: July 16, 2002

BY THE COMMISSION:

By motion filed July 23, 2002, Metropolitan Utilities District of Omaha (M.U.D.) seeks clarification or reconsideration of the Commission's order entered July 16, 2002, in the above-captioned matter (Order), and in the alternative, seeks rehearing of the order or for the Commission to hold a hearing based upon its grant of the Motion for Rehearing filed by Aquila, Inc. Oral argument on the motion was not requested.

M.U.D. requested that the Commission clarify its cease and desist order on Page 3, which reads as follows: "IT IS FURTHER ORDERED that M.U.D. must cease and desist from additional construction in Highway 50 south of Prairie Corners." M.U.D. requested that the ordering clause be clarified to include language from Page 2, to wit: ". . . until it has made a final determination within the parameters of Neb. Rev. Stat. § 57-1301 et seq. and received necessary approval for moving the TBS."

At sometime in the future, M.U.D. might make a final determination on relocation of the town border station (TBS) within the parameters of Neb. Rev. Stat. § 57-1301 et seq., and might obtain the necessary approval for the relocation. If that relocation requires construction in Highway 50 south of Prairie Corners, such construction would not be prohibited by the Commission's order of July 16, 2002, in this docket; however, M.U.D. would not be entitled to re-establish service to the Highway Crossing development.

M.U.D. also requested that the Commission clarify its order by providing such other process as the Commission deems appropriate for M.U.D. to bring to the Commission's attention the existence of the factors set forth in the last paragraph of Page 2. No additional process is necessary. M.U.D. must evaluate the public interest criteria of Neb. Rev. Stat. § 57-1301 et seq. as the law requires for any gas main extension. M.U.D. should also communicate its determination and planned extension to Aquila, pursuant to the Commission's suggestions regarding

communication between the parties. If Aquila disagrees that the relocation of the TBS is in the public interest, Aquila can bring the matter before the Commission by filing an application pursuant to Neb. Rev. Stat. § 57-1301 et seq.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Commission's order of July 16, 2002, is clarified as set forth above.

MADE AND ENTERED at Lincoln, Nebraska, this 13th day of August, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director