

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 07-08-21**

Date Published: August 16, 2007
For Work Week Commencing: August 20, 2007
Commission Meeting: August 21, 2007 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Qwest D2002.7.91 and D2002.1.1 (Gary)

Qwest Corporation (Qwest) has filed for approval with the Commission interconnection agreement amendments between Qwest and Comtel Assets LP d/b/a/ as VarTec Telecom (D2002.1.1) and Comtel Assets LP d/b/a Excel Telecommunications (D2002.7.91). The amendments in both dockets are identical. The amendment is to Payment Terms and stipulates that failure by Comtel to pay the Cash Cure Payments, according to the Stipulation and Order as approved by the United States Bankruptcy Court for the District of

North Texas, Dallas Division in Case No. 04-81694-HDH-11, shall constitute an event of default under the interconnection agreements. These amendments were voluntarily negotiated by the parties involved and staff recommends approval.

Probable Motion: Move to approve the interconnection agreement amendments between Qwest Corporation (Qwest) and Comtel Assets LP d/b/a/ as VarTec Telecom in Docket D2002.1.1 and between Qwest and Comtel Assets LP d/b/a/Excel Telecommunications in Docket D2002.7.91.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2007.6.70 – Qwest – Request to approve stipulation re: proposed changes to Qwest Performance Assurance Plan and performance indicator definitions reached between Qwest and 4 CLECs, apply changes to all interconnection agreements containing the QPAP, and allow the changes to become effective no later than 60 days after the filing – Discuss and act on filing. (8/21/07)
2. D2007.6.66 – Cenex Pipeline – Oil Pipeline Index Filing – Discussion, final action. (8/21/07)
3. D2007.6.67 – Front Range Pipeline – Oil Pipeline Index Filing – Discussion, final action. (8/21/07)
4. 16th Jud. Dist. Court – DV-07-57 – CELP v. PSC and NWE - Discussion and direction on CELP lawsuit against the PSC and NWE. (8/21/07)
5. FERC ER99-3491 et al – PPL Montana’s Triennial Review – Discuss Montana Consumer Counsel’s petition for judicial review of FERC’s order on reconsideration and possible Commission action. (8/21/07)
6. D2006.10.141 – NorthWestern Energy – In the matter of the filing of NorthWestern Energy’s cost of providing electric and natural gas service in Montana – Discuss and act on NWE’s motion for a protective order. (8/21/07)
7. D2007.4.35 – NorthWestern Energy – In the matter of NWE’s application for approval of an affiliate power purchase transaction between NorthWestern and its wholly-owned subsidiary, Montana Generation, LLC – Discuss and

act on Montana Consumer Counsel's motion to dismiss and other matters related to this docket. (8/21/07)

8. Out of state staff travel – Act on request for approval of 2 staff persons to attend the Regional Oversight Committee fall meeting in Boise, September 26-27. (8/21/07)

Other Meetings

(8/21/07) 1:00 p.m. – NorthWestern Energy informational presentation on time-of-use electric metering pilot project. (8/21/07) (Bollinger Room)

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199.

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2007.8.93 – Havre Pipeline Company – Application for approval to decrease rates and charges to its direct rural farmstead customers

N2007.8.94 – PSC Initiated – Maximum allowable rates for intrastate operator service providers