

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-03-10**

Date Published: March 5, 2009
For Work Week Commencing: March 9, 2009
Commission Meeting: March 10, 2009, 9:00 a.m.

General Introduction *This agenda is the Commission's Utility Division agenda for the work week designated. In the latter 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 webcast *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 and video feed links 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.

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

1. Placeholder - D2008.12.140 – Cable & Communications Corporation – For Approval of Cost Data Pursuant to FCC Interim Cap Order – Possible consideration of CCC objections to data request. (3/10/09)
2. Placeholder - D2008.9.111 – Commission Investigation of Alltel's Compliance with ETC Designation Requirements – Discuss Alltel's objections to Commission data requests. (3/10/09)
3. D2008.3.27 – Energy West Incorporated/Cut Bank Gas Company – Joint Application of EWI and CBGC for Approval of the Acquisition of CBGC by EWI – Discuss and act on EWI's second motion to extend procedural schedule. (3/10/09)
4. Medical emergency rulemaking – Get direction from the Commission on meeting format and Commissioner participation in the roundtable meeting. (3/10/09)
5. D2008.10.123 – HLH, LLC – Application to Implement Increased Rates for Water Service in its Big Sky, MT, Service Area – Act on request to suspend the procedural order. (3/10/09)
6. D2008.8.96 & D2008.8.97 – Five Valleys Gas – Application to Implement Increased Rates, and Approval of Monthly Propane Cost Tracker True-up in its Seeley Lake, MT Service Area – Act on request to suspend the procedural orders. (3/10/09)
7. D2008.7.74 – MDU – Power Purchase Time Differentiated Rate 93 Tariff – Discuss and act on proposed Rate 93 Tariff for qualified facilities. (3/10/09)
8. Organization of MISO States (OMS) – Discuss items to be addressed at the March 12, 2009 OMS Board of Directors Meeting: 1) Price responsive demand proposal. 2) Proposed Green Power Express Transmission Line. (3/10/09)
9. American Recovery & Reinvestment (federal stimulus) Act of 2009 – Continued discussion of Act's provisions as they might relate to PSC and/or regulated utilities. (3/10/09)

10. Out of state staff travel – Request approval of: (1) any MISO/OMS-related staff travel for the remainder of this fiscal year for which staff's travel expenses are reimbursed; (2) Eric Dahlgren's travel to the National Smart Grid Conference, Spokane, WA, April 6-7; and (3) Attorney travel to the National Conference of Regulatory Attorneys in Las Vegas. (3/10/09)
11. Legislative – Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (3/10/09)
12. **3/11/09, 3/12/09, 3/13/09 – 8:30 a.m.** - Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (3/11/09, 3/12/09, 3/13/09) (Commission Conference Room – live web audio feed – not archived)

Other Meetings

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.

1. Sprint **N2009.2.27** **(Scott)**

On February 25, 2009, Sprint requested changes in its Montana P.S.C. Price List No. 1. Sprint requested in this filing: removes check sheets which are no longer required; adds language to FONCARDS stating cards may be cancelled if the card is not used after one year; make miscellaneous corrections; grandfathers Real Solutions and Real Solutions Option A Services; and grandfathers Real; Solutions VPN Services.

2. AT&T N2009.2.28 (Scott)

On February 26, 2009, AT&T filed Tariff Transmittal 2009-04. This filing introduces ABN Premier Bundle. AT &T requests an effective date of March 29, 2009.

3. Qwest Corporation N2009.2.20 (Gary)

On February 23, 2009 Qwest Corporation filed a Petition for Waiver of the Months to Exhaust/Utilization Threshold requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200. A waiver of the FCC's requirements would allow Neustar, the national Pooling Administrator, to provide one new thousand block of numbers to Qwest Corporation in the Belgrade Rate Center in order to satisfy a specific customer request from Qwest Communications Corporation. The FCC rules do allow for a waiver of rules when there is such a specific customer request. This waiver process ("safety valve process") is addressed in FCC 01-362, paragraphs 57-66, which delegates waiver authority to state commissions.

4. Qwest Corporation N2009.2.21 (Gary)

On February 23, 2009 Qwest Corporation filed a Petition for Waiver of the Months to Exhaust/Utilization Threshold requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200. A waiver of the FCC's requirements would allow Neustar, the national Pooling Administrator, to provide one new thousand block of numbers to Qwest Corporation in the Missoula Rate Center in order to satisfy a specific customer request from Missoula Federal Credit Union. The FCC rules do allow for a waiver of rules when there is such a specific customer request. This waiver process ("safety valve process") is addressed in FCC 01-362, paragraphs 57-66, which delegates waiver authority to state commissions.

5. Qwest Corporation N2009.2.22 (Gary)

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and MidAmerican

Energy Holdings Company (MidAmerican). Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from MidAmerican seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territory. The services being purchased by MidAmerican are available from other competitive carriers in addition to Qwest.

6. Qwest Corporation N2009.2.23 (Gary)

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Macy's Systems and Technology, Inc. (Macy's). This MSA was originally signed on July 2, 2008. However, Qwest inadvertently failed to file this MSA for Commission approval. Upon recently finding this and two additional MSAs that had not been filed, Qwest did immediately file the three MSAs with this Commission for proper approval. Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from Macy's seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territory, including Montana. The services being purchased by Macy's are available from other competitive carriers in addition to Qwest.

7. Qwest Corporation N2009.2.24 (Gary)

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Costco Wholesale, Inc. (Costco). This MSA was originally signed on July 2, 2008. However, Qwest inadvertently failed to file this MSA for Commission approval. Upon recently finding this and two additional MSAs that had not been filed, Qwest did immediately file the three MSAs with this Commission for proper approval. Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from Costco seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territories. The

services being purchased by Costco are available from other competitive carriers in addition to Qwest.

8. Qwest Corporation N2009.2.25 (Gary)

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and UBS AG. This MSA was originally signed on March 24, 2008. However, Qwest inadvertently failed to file this MSA for Commission approval. Upon recently finding this and two additional MSAs that had not been filed, Qwest did immediately file the three MSAs with this Commission for proper approval. Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from UBS AG seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territory, including Montana. The services being purchased by UBS AG are available from other competitive carriers in addition to Qwest.

9. Qwest Corporation N2009.2.26 (Gary)

On February 24, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and Liberty Mutual Insurance Company (Liberty). Qwest is filing the MSA with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest responding to a request from Liberty seeking pricing for their services and future telecommunications needs in Qwest's 14 state incumbent territories. The services being purchased by Liberty are available from other competitive carriers in addition to Qwest.

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.

1. NorthWestern Energy (NWE) D2008.12.146 (AI)

On March 3, 2009, NWE filed a motion for protective order to govern access to certain confidential information that it claims has been requested in this docket. Specifically, NWE seeks protection for Coal Cost Information described as “certain non-public provisions of the Coal Supply Agreement dated July 1, 1980, and as amended and restated August 24, 1998 between The Montana Power Company, Puget Sound Energy, Inc., Portland General Electric Company, the Washington Water Power Company (now Avista), PacificCorp and Western Energy Company related to coal cost information.” NWE asserts the information by contract is trade secret.

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

N2009.2.27 – Sprint Nextel – Sprints Montana P.S.C. Price List No. 1
N2009.2.28 – AT&T Communications – Tariff Transmittal 2009-04 – ABN Premier Bundle