

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-04-09**

Date Published: April 2, 2009
For Work Week Commencing: April 6, 2009
Commission Meeting: April 9, 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.

1. NorthWestern Corporation (NOR) D2009.3.30 (Eric)

On March 6, 2009, NorthWestern Corporation d/b/a NorthWestern Energy (NorthWestern) filed a Petition for Authority to Assume Affiliate Obligations (Petition). The Petition sought Commission approval to assume the obligations associated with the approximately \$100 million of debt related to Colstrip Unit 4 currently owed by NorthWestern's affiliate, Colstrip Lease Holdings, LLC (CLH) pursuant to the Credit Agreement between CLH, as borrower, and West LB AG, New York Branch, as lender. The Petition stated that NorthWestern anticipated that it was going to complete a bond issuance to issue secured debt securities and would utilize the proceeds of such issuance to, among other things, pay the CLH Debt. The Petition further stated that if NorthWestern were to complete the bond issuance and utilize the proceeds to pay the CLH debt prior to March 31, 2009, NorthWestern would not require the Commission to act on the Petition. NorthWestern completed the bond issuance on March 26, 2009. Accordingly NorthWestern no longer needs to assume the CLH debt. Thus, NorthWestern requested on March 27, 2009, that the Commission allow NorthWestern to withdraw the Petition. Probable Motion: Grant NorthWestern's request to withdraw the Petition.

2. Qwest Corporation N2009.3.36 (Gary)

On March 16, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi State Agreement (MSA) between Qwest and RBC Capital Markets Corporation (RBC). 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 RBC seeking pricing for their future telecommunications needs in Qwest's 14 state incumbent territory, including Montana. The services being purchased by RBC are available from other competitive carriers in addition to Qwest. Probable Motion: Move to approve the multi-state agreement between Qwest Corporation and RBC Capital Markets Corporation in Docket No. N2009.3.36.

3. Verizon Business Service N2009.3.37 (Scott)

On March 18, 2009, Verizon Business Service filed Transmittal Letter No. 09-01. This filing proposes the following: Increase Business B2 Integrated Service Rates; Grandfather Small Business Credit Plan; and Introduce New Residential Two Month Free Plan. Probable Motion: Approve Verizon Business Service Transmittal Letter No. 09-01 in Docket N2009.3.37.

4. Qwest LD Corporation N2009.3.40 (Scott)

On March 23, 2009, Qwest LD Corporation (QLDC) filed Tariff Transmittal QLDC09-01. The purpose of this filing is to introduce language to give them the ability to respond to situations where customers' telecommunications services are interrupted by natural disasters by providing alternative telecommunications services and waivers. Probable Motion: Approve QLDC's Tariff Transmittal QLDC09-01 in Docket N2009.3.40.

5. Qwest Communications Co., LLC N2009.3.41 (Scott)

On March 23, 2009, Qwest Communications Co., LLC (QCC LLC) filed Tariff Transmittal QCC09-02. The purpose of this filing is to introduce language to give them the ability to respond to situations where customers' telecommunications services are interrupted by natural disasters by providing alternative telecommunications services and waivers. Probable Motion: Approve QCC LLC's Tariff Transmittal QCC09-02 in Docket N2009.3.41.

6. Qwest D2009.3.42 (Scott)

On March 23, 2009, Qwest filed Tariff Transmittal 09-02. The purpose of this filing is to introduce language to give them the ability to respond to situations where customers' telecommunications services are interrupted by natural disasters by providing alternative telecommunications services and waivers. Probable Motion: Approve Qwest's Tariff Transmittal 09-02 in Docket N2009.3.42.

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

1. N2009.3.29 – Avista Corporation – Motion for Protective Order Related to Schedule 16 of its 2008 Annual Electric Report – Consider Avista’s motion to protect the Schedule 16 information (top ten Montana salaries) in its annual report to the Commission. (4/9/09)
2. Concerned citizens of Virginia City, Montana – 25 citizens signed a petition asking the Commission to review Virginia City’s water and sewer rates – Consider petition and discuss Section 7-13-4208, MCA. (4/9/09)
3. D2009.1.3 – Stillwater Utilities, LLC – Request for Approval to Transfer Ownership of the Water System from Stillwater Utilities, LLC to Stillwater Estates County Water District in its Kalispell, Montana, Service Area – Act on motion to approve transfer. (4/9/09)
4. D2008.10.123 – HLH, LLC – Application to Implement Increased Rates for Water Service in its Big Sky, Montana, Service Area – Act upon interim rate relief request. (4/9/09)
5. Placeholder – D2008.12.146 – NorthWestern Energy – Application for Avoided Cost Tariff for New Qualifying Facilities – Brief the Commission on any and all matters including but not necessarily limited to recommended additional issues. (4/9/09)
6. D2008.12.146 – NorthWestern Energy - Application for Avoided Cost Tariff for New Qualifying Facilities – Discuss and act on Montana Small Independent Renewable Generator’s Motion to Compel. (4/9/09)
7. Placeholder – 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. (4/9/09)

Other Meetings

Notice of Outside Meeting (which 3 or more Commissioners may attend)

National Smart Grid Conference, Spokane Convention Center, Spokane WA, April 6-7, 2009.

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. MILLER OIL COMPANY N2009.3.39 (JOEL)

On March 20, 2009, Miller Oil Company dba the City Line filed a tariff revision changing the effective billing date from the 28th of the month to the 26th of the month. This filing also included some minor text changes.

2. MONTANA-DAKOTA UTILITIES CO. N2009.2.17 (JOEL)

On April 1, 2009, Montana-Dakota Utilities filed a tariff revision to its Rate 53 reflecting changes to labor rates to accommodate structure moves.

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. Cable & Communications Corporation (C&CC) D2008.12.140 (Jim)

On March 30, 2009, C&CC filed a Motion for Protective Order seeking protection of a software workbook model owned by John Staurulakis, Inc., C&CC's consultant in this docket.

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

D2009.3.44 – Qwest Corporation and Teleconnect, LLC – Application for Approval of Wireline Interconnection Agreement

N2009.4.45 – PSC Initiated – Proposed Adoption of Rules Regarding Installation by Electric Utilities of Light Emitting Diode (LED) Street and Area Lighting

D2009.4.46 – NorthWestern Energy - Petition for Certification of an Eligible Renewable Resource and Request for Waiver to Accept Late-Filed Compliance Filings

D2009.4.47 - Montana-Dakota Utilities Co. - Conservation Program Tracking Mechanism, Rate 90