

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-04-28**

Date Published: April 23, 2009
For Work Week Commencing: April 27, 2009
Commission Meeting: April 28, 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. BLACK HILLS POWER (BHP) D2009.3.38 (Eric)

On March 20, 2009, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on March 24, 2009. Requests for hearing were due by April 28, 2009. No requests have been received. This application will increase revenues by \$114,848 over the base cost of fuel approved in Docket No. 83.4.25. A default order has been drafted. Probable Motion: Grant BHP's Quarterly Fuel Rate Rider application.

2. Southern Montana Telephone Company N2009.4.50 (Scott)

On April 3, 2009, Southern Montana Telephone Company requested to changes its Montana tariffs. These changes included the following: 1) updating and formatting in an effort to modernize the tariffs; 2) return check charge is increased from \$8 to \$10; 3) the minimum balance for calculation of a late payment on a customers account is reduced from \$45 to \$25; 4) the vacation service allowable time for a customer to temporarily suspend service is increased from 4 months in any consecutive 12 months to 6 months in a year; 5) and finally the inclusion of E 911 language. Probable Motion: Approve Southern's request for changes to its tariffs in Docket N2009.4.50.

3. Citizens Telecommunications Company N2009.4.53 (Scott)

On April 10, 2009, Citizens filed Advice Letter No. MT-09-05. In this filing Citizens is requesting to introduce Stay Connected Seasonal Offering. Stay Connected Seasonal Offering allows a customer to suspend their Service within some bundles for a minimum period of one month and up to nine months during a 12-month period. Citizens requests that this filing becomes effective on May 13, 2009. Probable Motion: Approve Citizens Letter No. MT-09-05 in Docket N2009.4.53.

4. Qwest Corporation D2001.1.7, D2001.1.7, D2009.2.14 (Gary)

Three (3) Interconnection Agreement Amendments

D2001.1.7 – Qwest Corporation/McLeodUSA Telecommunications Services DBA PAETEC This amendment adds terms and conditions and rates for

Collocation Engineering and Installation Labor Charges to the existing interconnection agreement between Qwest and McLeodUSA.

D2001.1.7 – Qwest Corporation/McLeodUSA Telecommunications Services DBA PAETEC This amendment adds terms and conditions and rates for Wholesale Service Order Charges to the existing interconnection agreement between Qwest and McLeodUSA.

D2009.2.14 – Qwest Corporation/CVC CLEC, LLC This amendment adds the terms and conditions for a Single Point of Presence (SPOP) to the pending interconnection agreement between Qwest and CVC.

Qwest has filed for approval with this Commission three interconnection agreement amendments in the dockets listed above. These amendments were properly noticed, and we have received no intervention or comments. These amendments were voluntarily negotiated by the parties involved and staff recommends approval.

Probable Motion: Move to approve the interconnection agreement amendments in D2001.1.7 (two amendments) – Qwest Corporation/McLeodUSA Telecommunications Services DBA PAETEC, and D2009.2.14 – Qwest Corporation/CVC CLEC, LLC.

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

1. D2009.2.14, D2009.2.15 – Qwest Corporation and CVC CLEC, LLC; and Qwest Corporation and BLC Management, LLC dba Angles Communications Solutions – Interconnection agreements – Discuss and act on the agreements. (4/28/09)
2. D2009.4.47 – Montana-Dakota Utilities Co. – Conservation Program Tracking Mechanism Rate 90 – Discuss and act on interim rate approval for gas conservation programs. (4/28/09)
3. D2009.2.18 – Mountain Heritage Associates, Inc. – Application for Approval of Transfer of Mountain Heritage Water System to Mountain Heritage Water Users Association – Discuss and act on transfer. (4/29/09)
4. D2009.1.9 – AquaFlo, LLC – Application for Authority to Implement Interim Rates and Permanently Increase Rates and Charges and Amend Tariff Rules

- and Regulations for Water and Sewer Service to its Helena, Montana, Customers – Discuss and act on interim rate request. (4/28/09)
5. D2008.7.85, N2009.3.32 – Wettington Water District, Inc. – Application for Authority to Increase Rates for Water Service and Proposed Tariff Changes – Discuss and act on Wettington Water’s interim rate request and tariff authorization. (4/28/09)
 6. D2008.8.95 – NorthWestern Energy – Application for Approval to Construct and Operate the Mill Creek Generating Station to Supply Regulation Service for NorthWestern Energy’s Montana Electric Operations and Montana Transmission Control Area – Placeholder in the event of discussion of matters in advance of work sessions for PSC action in this docket. (4/28/09)
 7. Out of state staff travel – Obtain approval for Eric D. to travel to Cleveland, OH, the week of May 11 to be present when the PA-12 pipe Energy West will use for the Cascade project is made. (4/28/09)
 8. 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. (4/28/09)

Other Meetings

4/28/09 1:30 p.m. – Montana-Dakota Utilities Co. informational meeting (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.

1. Verizon Business Service N2009.4.55 (Scott)

On April 17, 2009, Verizon Business Service filed Transmittal Letter No. 09-05. Verizon is requesting to revise the definitions for Accelerated Expedite and Expedite under Section 3.1.1.

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. N2008.12.144 PSC Investigation of Qwest Quality of Service
(Jim)

On April 15, 2009, Qwest Corporation filed a Motion for Issuance of a Protective Order seeking protection for the following information: List of unbundled loops in service at December 2008 by Exchange; list of Montana Features, Listings and Packages, 2008 quantities and revenues; and Montana toll service revenues and customer counts.

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

D2009.4.54 – Qwest Corporation and Virtual Network Solutions, Inc. –
Application for Approval of Wireline Interconnection Agreement
N2009.4.55 – MCI Communications Services, Inc. dba Verizon Business
Services – Transmittal No. 09-05 – Tariff No. 3, Revise Accelerated Expedite
and Expedite Definition; Introduce General Installation Waiver Plan, Revise End
Date of General Installation Waiver Promotion