

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-05-12**

Date Published: May 7, 2009
For Work Week Commencing: May 11, 2009
Commission Meeting: May 12, 2009, 8:15 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.*

8:15 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

8:30 a.m. Business (Bollinger Room)

Public Comments

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

1. Qwest Corporation N2005.1.4 (Gary)

On April 28, 2009 Qwest Corporation (Qwest) filed for Commission approval an amendment to the existing Multi-State Agreement (MSA) between Qwest and Allstate Insurance Company (Allstate). Qwest is filing the MSA amendment with the Commission for approval pursuant to the Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. The MSA amendment is the result of Qwest's response to Allstate which was seeking pricing for their services and future service needs. The services purchased by Allstate are available from other competitive carriers in addition to Qwest. Probable Motion: Move to approve the MSA amendment between Qwest Corporation and Allstate Insurance Company in Docket No. N2005.1.4.

2. Qwest Corporation N2009.4.57 (Gary)

On April 28, 2009 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and General Electric (GE). 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. The MSA is the result of Qwest's response to GE which was seeking prices for their services and future service needs. The services purchased by GE are available from other competitive carriers in addition to Qwest. Probable Motion: Move to approve the MSA between Qwest Corporation and General Electric in Docket No. N2009.4.57.

3. District Court

(Jim)

District Court Cause No. BDV 2003-465; PSC vs. Qwest. This was the Commission's effort to seek a writ of mandamus from District Court forcing Qwest to submit the minimum filing requirement information sought by the Commission. With the Supreme Court decision affirming the Commission's decision plus the approval of the AFOR, Staff recommends a joint Stipulation for Dismissal.

Note also-----in our discussions with Qwest, Staff also discussed District Court Cause No. BDV-2008-177. In view of the approval of the AFOR, Qwest has indicated that it would voluntarily dismiss its appeal of the so-called de-reg order (Qwest filed its appeal but had not yet served same on the Commission).

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

1. Placeholder - D2008.9.111 – PSC Initiated Investigation – Commission Investigation of Alltel's Compliance with ETC Designation Requirements - Discuss ordering Alltel to file responsive answers to a number of data requests. (5/12/09)
2. D2008.12.146 – NWE – Application for Approval of Avoided Cost Tariff for New Qualifying Facilities – Discuss and act on (1) NWE's Motion for Stay, (2) NWE's Motion for Reconsideration of Order 6973b, and (3) NWE's Motion for Reconsideration of the Notice of Additional Issues. (5/12/09)
3. D2009.1.4 – United Materials of Great Falls – Petition to Set Wind Integration Charge in a QF Contract – Discuss and act on petition. (5/12/09)
4. Legislative Wrap Up and agency budget discussion – Review legislative action and FY 09-10 Budget. (5/12/09)
5. Court Dockets, and D2002.8.100 – NA, or Whitehall Wind – Consider appealing denial of motion to stay "order for remand," issued on judicial review of PSC Order No. 6444c, D2002.8.100 – Consider appeal of "order denying stay," and, as a placeholder, if the decision is to not appeal, possibly discuss PSC procedure in response to the "order for remand." (5/12/09)

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.

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. Lincoln Tel. Annual Report N2009.5.58 (Jim)

On May 1, 2009 Lincoln Telephone Company (LTC) filed a Motion for Protective Order seeking protection from public disclosure salary, compensation and supporting information for LTC's employees, managers and directors.

2. Qwest Corporation N2009.5.60 (Jim)

On May 4, 2009 Qwest Corporation (Qwest) filed its Motion for Term Protective Order seeking to protect from public disclosure cost/price comparison analyses to be filed under the terms and conditions of the recently-approved Alternative Form of Regulation (AFOR) in Docket D2008.1.6. Qwest seeks a waiver of the 4-year limit on term protective orders, asking that term of the protective order run for the 5-year duration of the AFOR plan.

3. Basic Access Communications, Inc. D2008.6.68 (Jim)

On May 1, 2009 Basic Access Communications, Inc. (BAC) filed a Motion for Protective Order seeking to protect from public disclosure the names,

telephone numbers and addresses of all customer located in the State of Montana that have been billed by BAC or by a BAC representative.

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

N2009.5.58 – Lincoln Telephone Company, Inc. – Motion for Protective Order Relating to Schedule 27 of its Annual Report

D2009.5.59 – MDU Resources Group, Inc. – Application for Authorization for the Issuance of Securities

D2009.5.60 – Qwest Corporation – Motion for Term Protective Order and Waiver of the Four-Year Maximum Duration of a Term Protective Order Under ARM 38.2.5004