

**MONTANA PUBLIC SERVICE COMMISSION  
UTILITY DIVISION  
AGENDA NO. 09-06-02**

Date Published: May 28, 2009  
For Work Week Commencing: June 1, 2009  
Commission Meeting: June 2, 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. Qwest N2009.5.65 (Kate)

On May 13, 2009, Qwest requested approval of its proposal to set the wholesale Performance Assurance Plan (QPAP) annual payment cap at the 2008 level of \$21,631,000 rather than re-calculating the payment cap yearly to a level that is 36% of Qwest's ARMIS net return as required by Section 12.1 of the QPAP. The reason cited by Qwest for its request is that, pursuant to recent FCC orders, Qwest no longer files the ARMIS 43-01 report with the FCC from which the net return information is drawn. Probable motion: Move to approve Qwest's request in Docket N2009.5.65 to set the wholesale QPAP annual payment cap at the 2008 level.

2. Citizens Telecommunications Company N2009.5.67 (Scott)

On May 14, 2009, Citizens filed Advice Letter No. MT-09-06. The purpose of this filing is to grandfather the Frontier Digital Phone Essentials residential bundle and change the name to Frontier Digital Phone Bronze. The company requests that this filing become effective on June 16, 2009. Probable Motion: Approve Citizens' Advice Letter No. MT-09-06 in Docket No. N2009.5.67.

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

1. D2009.3.31 – Qwest Corporation and DSLnet Communications, LLC – Application for Approval of Interconnection Agreement – Discuss and act on the agreement. (6/2/09)
2. FCC 96-45 – FCC Notice of Inquiry seeking comments on the United States Court of Appeal for the Tenth Circuit in the Qwest II decision – Discuss filing reply comments. (6/2/09)

**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.

1. NorthWestern Corporation (NOR) D2009.5.68 (Eric)

On May 22, 2009, NOR filed an application seeking authority to amend its Unsecured Credit Agreement. The primary amendments to the existing agreement are related to the amount (\$250 Million), interest rate (market spread based on LIBOR), and term, 3 years from the date of the closing of the amendment to the existing credit agreement.

**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**

D2009.5.68 – NorthWestern Corporation – Petition for Authority to Amend Unsecured Credit Agreement

N2009.5.69 – Qwest Corporation and Bank of the West – Individual Case Basis Agreement

N2009.5.70 – Qwest Corporation and JP Morgan Chase Bank, National Association – Individual Case Basis Agreement

N2009.5.71 – Qwest Corporation and Laboratory Corporation of America Holdings – Multi-State Contract

N2009.5.72 – Qwest Corporation and Blockbuster Inc. – Multi-State Contract

N2009.5.73 – Qwest Corporation and ZFUS Services LLC – Multi-State Contract