

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 10-01-21**

Date Published: January 14, 2010
For Work Week Commencing: January 18, 2010
Commission Meeting: January 21, 2010, 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://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. Montana-Dakota Utilities Co. N2010.1.2 (Eric D)

On January 6, 2010, Montana-Dakota Utilities Co. (MDU) filed a natural gas tariff sheet titled Thermal Zone Boundaries (Volume No. 6, 5th Revised Sheet No. 4). The modified tariff sheet revises Heating Zone 14 and establishes two new Heating Zones –Heating Zone 141and Heating Zone 142. The establishment of the Heating Zones was requested by MDU to accommodate the addition of a gas chromatograph at the Lovell Compressor Station by Williston Basin Interstate Pipeline Company. Probable Motion: Approve the modification of Heating Zone 14, addition of Heating Zone 141 and addition of Heating Zone 142.

2. VOTE CHANGE Utility Solutions - D2005.11.163 & 164 (Robin)

Commissioner Molnar seeks to change his January 6, 2010 vote concerning the identification of additional issues in these dockets. At that work session, the Commission voted 4-1 (with Commissioner Molnar voting aye) to accept staff's recommendation to examine the checkbook and underlying financial documents of Utility Solutions as an additional issue. The Blue Book allows a Commissioner to change a vote on motion if the change will not affect the outcome of the vote. It also states that the change must be made at a business meeting and must be reflected in the minutes. Commissioner Molnar's request to change his vote from aye to no will not affect the outcome. Probable Motion: Approve Commissioner Molnar's request to change his January 6, 2010 vote on the motion in this matter to NO.

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

1. FCC CC 96-45 – FCC's Further Notice of Proposed Rulemaking – Discuss the filing of Commission comments. (1/21/10)
2. D2009.6.84 – Formal Complaint of John Vogele against Qwest on service quality – Consider and rule on Vogele complaint. (1/21/10)
3. Chris Frideres – Complaint against NorthWestern Energy Involving USB Funding Restrictions – Discuss whether the complaint states a cause of action within the PSC's jurisdiction. (1/21/10)

4. D2009.6.91 – Energy West Montana – Application for continuation of environmental surcharge – Discuss and act on the draft final order. (1/21/10)
5. D2009.9.129, D2007.7.82, Electric Supply Tracker and Tax Tracker – NWE – Coordinating Information – Discuss how the above cases may be interrelated and assure that all issues commission ought to be concerned about are addressed. (1/21/10)
6. Ring fencing – Discuss holding a roundtable or other mechanism to help generate commission priorities and concerns regarding effective ring fencing of utility assets from non regulated business activities. (1/21/10)
7. D2009.11.151 – NWE – Petition for Declaratory Ruling Certifying Turnbull Project as a Community Renewable Energy Project – Discuss and act on NWE’s petition for a Declaratory Ruling. (1/21/10)
8. D2005.11.163 & D2005.11.164 – Utility Solutions, LLC – Applications for Permanent Water and Sewer Rates – Discuss and act on Utility Solutions, LLC’s motion to partially vacate Procedural Order. (1/21/10)
9. D2009.11.152 – Utility Solutions, LLC – Petition by Utility Solutions, LLC for a Declaratory Ruling on Commission Jurisdiction over the Transfer of Assets Under and Acquisition Agreement – In the Matter of the Application by Utility Solutions, LLC for Approval of a Transfer of Assets Under an Acquisition Agreement – Discuss and act on Utility Solutions, LLC’s request that the Commission issue an order that (1) declares that it has no jurisdiction of the transfer of assets set forth in the Acquisition Agreement or (2) declares that there is no compelling reason for it to exercise jurisdiction over the transfer of assets set forth in the Acquisition Agreement. (1/21/10)
10. NARUC’s “Anybody Can Serve, So Let’s Conserve” energy efficiency campaign – Discuss and act on Montana PSC participation. (1/21/10)
11. Out of state staff travel – Obtain approval of Brian DeKiep’s request to attend the WGA/WECC State-Provincial Steering Committee meeting in Salt Lake City, January 29th. (1/21/10)

Other Meetings

1/21/10 – 1:00 p.m. – NRRI Teleseminar, “Understanding FERC Transmission Incentives: What To Know Before You Apply or Intervene” (Commission Conference Room – no web audio feed)

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.

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.

1. The Commission issued a protective order for Qwest Corporation on January 12, 2010 in D2008.1.6, Order No. 6889o which protects high speed internet and digital subscriber line (DSL) information from public disclosure.

Information Items All items identified below are for information only.

1. **Qwest Corporation Multi State and Individual Case Basis Agreements**

Any qualified person who signs a non-disclosure agreement pursuant to the term protective Order No. 6999 in Docket No. D2009.5.60 may review the following agreement at the Commission's offices, 1701 Prospect Ave. Helena, MT, 59620, or at Qwest's office, 441 North Park Avenue, Helena, Mt. 59601. If any interested party has reason to believe that Qwest's prices are below relevant costs in the agreement, the interested party may file an objection with the Commission within 30 days of the date of this notice (please see Qwest

Alternative Form of Regulation (AFOR) Docket No. D2008.1.3, Order No. 6889n, Joint Stipulation).

1.) Qwest Corporation/United Parcel Service

Qwest Corporation (Qwest) and United Parcel Service (UPS) have signed a Multi-State Agreement for Qwest to provide certain telecommunications services to UPS.

New Filings Received in Past Week