

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 10-02-02**

Date Published: January 28, 2010
For Work Week Commencing: February 1, 2010
Commission Meeting: February 2, 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://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.

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

1. Placeholder – D2009.9.129 and D2007.7.82 (Phase II) – NorthWestern Energy (NWE) – General rate cases, including cost of service and rate design – Discuss/act on whether NWE’s application, as supplemented, is sufficient. (2/2/10)
2. N2010.1.7 – PSC Initiated – Inquiry Regarding Consideration of Establishing a Ring-Fencing Policy – Discuss/act on issuance of roundtable notice. (2/2/10)
3. D2003.8.109 – Montana Consumer Counsel – Petition for Investigation of NorthWestern Energy’s Financial and Related Transactions with NorthWestern Corporation, its Affiliates and Creditors that May Impair its Financial Solvency and Public Utility Service Obligations (Liberty Audit) – Discuss and act on staff’s recommendation to close Liberty Audit. (2/2/10)
4. Governor Schweitzer’s inquiry into PSC jurisdiction over the Keystone XL Pipeline – Discuss and decide whether the PSC has jurisdiction over the Keystone XL Pipeline. (2/2/10)

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. AT&T Communications N2010.1.6 (Scott)

On January 21, 2010, AT&T filed Tariff Transmittal 2010-01 to withdraw its Directory Link Service from the Consumer Long Distance Tariff. AT&T requests an effective date of February 22, 2010.

2. Qwest Corporation N2010.1.8 (Gary)

On January 25, 2010, Qwest Corporation filed a Petition for Waiver of the Months to Exhaust/Utilization Threshold requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200. A waiver of the FCC's requirements would allow Neustar, the national Pooling Administrator, to provide one new thousand block of numbers to Qwest Corporation in the Bozeman Rate Center in order to satisfy a specific customer request from Qwest Communications Corporation, LLC. The FCC rules do allow for a waiver of rules when there is such a specific customer request. This waiver process ("safety valve process") is addressed in FCC 01-362, paragraphs 57-66, which delegates waiver authority to state commissions.

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

D2010.1.5 – Five Valleys Gas Company – Monthly Gas Tracker Adjustment for Propane Service in the Seeley Lake, Montana, Service Area

N2010.1.6 – AT&T Communications – Tariff Transmittal 2010-01, Withdraw Directory Link Service from the Consumer Long Distance Tariff

N2010.1.7 – PSC Initiated – Inquiry Regarding Consideration of Establishing a Ring-Fencing Policy

N2008.1.8 – Qwest Corporation – Request for Waiver of Months to Exhaust/Utilization Threshold Requirement in the Bozeman Rate Center for Use by Qwest Communications Corporation