

**MONTANA PUBLIC SERVICE COMMISSION  
UTILITY DIVISION  
AGENDA NO. 10-04-27**

Date Published: April 22, 2010  
For Work Week Commencing: April 26, 2010  
Commission Meeting: April 27, 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. BLACK HILLS POWER (BHP) D2010.3.33 (Eric)

On March 22, 2010, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on March 23, 2010. Requests for hearing were due by April 27, 2010. No requests have been received. This application will increase revenues by \$130,936 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.

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

1. D2010.3.27 – NorthWestern Energy (NWE) – Application for Approval of 2010 Natural Gas USB Tracking Adjustment – Consider and act on NWE's request for an interim increase in the NG-USB rates. (4/27/10)
2. D2008.5.45 and D2009.5.62 – NorthWestern Energy – Annual Applications for Electric Supply Deferred Cost Account Balance and Projected Electric Supply Cost – Get Commission direction on stipulation between Montana Consumer Counsel and NWE. (4/27/10)
3. Broadband NTIA and RUS grant applications – Discuss letters from 360networks, Cable & Communications Corporation dba Mid-Rivers Wireless, Nemont Telephone Cooperative, Inc. and Qwest Communications regarding Round 2 Stimulus broadband grant requests. (4/27/10)
4. N2007.11.138 – NorthWestern Energy – Electric Supply Procurement Plan – Discuss and act on NWE's motion for extension of time to file its 2009 plan. (4/27/10)
5. D2010.2.18 – Kenfield Wind Park, LLC and KWP-LC7, LLC – Petition to Set Terms and Conditions for Qualifying Small Power Production Facility Pursuant to § 69-3-603, MCA – Discuss and act on all procedural and discovery matters in this docket including Kenfield's Motion to Compel filed on 4/20/10, any Motion for Reconsideration filed by NWE or other interested party, and any Commission action resulting from NWE's responses to data requests. (4/27/10)

6. D2002.8.100 – Whitehall Wind, LLC – Petition for QF Rate Determination – Discuss and act on draft order on remand. (4/27/10)
7. Organization of MISO States (OMS) and Cost Allocation Regional Planning (CARP) – Discuss OMS CARP cost allocation proposals. (4/27/10)
8. D2009.1.9 – AquaFlo, LLC – Application for Authority to Implement Interim Rates and Charges and Amend Tariff Rules and Regulations for Water and Sewer Service to its Helena, Montana, Customers – Discuss and act on interim order. (4/27/10)

### **Other Meetings**

**4/29/10 12:00 p.m. - 1:30 p.m. – NRRI teleseminar, “How to Establish the Most Effective Feed-In Tariff for Your State” (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.

1. Verizon Business Services N2010.4.42 (Scott)

On April 16, 2010, Verizon Business Services Tariff No. 2 filed Transmittal Letter No. 10-03. In this filing they are requesting to grandfather the following calling plans: New Residential Free Month Plan, Business B2 Free Month Plan and Small Business 10% Discount for 3 Invoice. Verizon Business Services is also introducing new callings plans and making various textual clean-up revisions.

2. Citizens Telecommunications                      N2010.4.43                      (Scott)

On April, 19, 2010, Citizens filed Advice Letter No. MT-10-02. In this filing Citizens is requesting to change the name of Frontier Digital Phone Essentials to Frontier Digital Phone 100 and introduce a new bundle called Frontier Digital Phone Essentials 1 available to residential customers.

**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. NorthWestern Energy                      D2009.9.129 & D2007.7.82                      (AI)

On April 15, 2010, the Commission issued Order No. 7046f granting NorthWestern Energy's motion for protective order to govern access to "portions of [its] FIN 48 Binder" as trade secret.

2. Kenfield Wind Park I, LLC and KWP LC-7, LLC                      D2010.2.18                      (AI)

On April 20, 2010, the Commission granted, in part, NorthWestern Energy's filed Motion for Protective Order to govern access to proposals containing data on the potential power generating capabilities and energy production cost rates that NorthWestern received from various entities in response to NorthWestern's August 17, 2009 RFI. The Commission granted a protective order for the pages or portions of the Proposals marked "Confidential" by the RFI respondents.

**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. D2008.1.6, Order No. 6889n, Joint Stipulation).

1.) Qwest Corporation/Bank of America, N.A. – Qwest Corporation (Qwest) and Bank of America, N.A. have signed a Multi-State Agreement for Qwest to provide certain telecommunications services to Bank of America.

**New Filings Received in Past Week**

D2010.4.41 – Mountain Water Company – Application for Authority to Increase Rates and Charges for Water Service in its Missoula, Montana, Service Area

N2010.4.42 – MCI Communications Services, Inc. dba Verizon Business Services – Transmittal Letter No. 10-03, Grandfather Calling Plans, Introduce New Calling Plans and Make Textual Revisions

N2010.4.43 – Citizens Telecommunications Company of Montana dba Frontier Communications of Montana – Advice Letter No. MT-10-02, Change Name of Frontier Digital Phone Essentials to Frontier Digital Phone 100 and Introduce Frontier Digital Phone Essentials 1