

**MONTANA PUBLIC SERVICE COMMISSION
AGENDA NO. 10-09-14**

Date Published: September 9, 2010
For Work Week Commencing: September 13, 2010
Commission Meeting: September 14, 2010, 9:00 a.m.

General Introduction *This agenda is the Commission's 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 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. Approval of Commission Minutes (Kate)

Approval of the Commission Minutes for the week of September 6, 2010

2. Central Montana Communications N2010.8.87 (Scott)

On August 25, 2010, Central Montana Communications (CMC) request to modify its tariffs. CMC request to modify Section 7: Service Bundles to discontinue offering Silver and Gold Bundles unless the subscriber cannot receive ADSL or Wimax from the company: Section 12 Common Access Extensions, Special Extension will no longer be available and will be replaced with Simultaneous Ring; and Section 29 Custom Local Signaling Service deletes Selective Message Delivery. CMC does not have any subscribers taking this service. Probable Motion: Approve CMC Tariff modifications in Docket N2010.8.87.

3. Montana Tariff Bureau T-10.29.RI (Eric D.)

On August 2, 2010 The Montana Tariff Bureau, as agent, for an on behalf of member household goods carriers to Montana Tariff Bureau No. 1, filed a request for increased packing material charges, in Item 650 of the tariff. The increases are between 9.74% and 10.69%. The increases were noticed to the public on August 13, 2010 and no protests were received. The rates are scheduled to become effective on September 20, 2010. Probable Motion: Approve the requested rate increases to Item 650 of MTB No. 1.

4. Western Wireless D2003.1.14 (Justin/Gary)

WWC Holding Company Notice of Relinquishment of its Designation as an Eligible Telecommunications Carrier
 The Montana Public Service Commission (MPSC) designated WWC as an Eligible Telecommunications Carrier (ETC) in Order No. 6492a on October 22, 2004. Such designation allowed WWC to receive Federal Universal Service High Cost funds. WWC was acquired by and became a subsidiary of Alltel Corporation (Alltel) in 2005. On January 9, 2009, Alltel and its subsidiaries, including WWC, were acquired by and became subsidiaries of Verizon Wireless. In the approval of the Verizon acquisition of Alltel, the Federal Communications Commission (FCC) required Verizon to divest itself of all of the customers, the network serving those customers and certain other assets of WWC in certain designated areas including most of Montana. Those assets were acquired by AT&T Wireless. The Montana ETC designation was not

transferred to AT&T Wireless. WWC no longer has a network in the designated areas nor customers. Verizon Wireless (Verizon) informed the Universal Service Administrative Company (USAC) that WWC was no longer eligible for ETC support. Per 47 U.S.C. § 214(e) (4) Verizon is seeking the MPSC's approval of the ETC relinquishment. Probable Motion: Move to approve the WWC request to relinquish its ETC status in Montana

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

1. N2010.8.79 – OSP Rate Caps – Request approval of rate caps for the period of October 1, 2010 to September 30, 2011. (9/14/10)
2. Placeholder - D2010.5.55 – Qwest/CenturyLink – Merger Application – Possible consideration of modification of procedural schedule. (9/14/10)
3. Placeholder – D2010.5.55 – Qwest/CenturyLink – Merger Application - Possible consideration of Joint Applicants' Motion for Supplemental Protective Order addressing what Applicants Classify as "Staff Eyes Only" information. (9/14/10)
4. Placeholder - D2008.10.123 – HLH, LLC – Application to Implement Increased Rates for Water Service – Discuss and act on Motion for Reconsideration and Request for Stay. (9/14/10)
5. PSC Initiated – Discuss and provide direction on the development of a Commission policy for using MCA-69-12-108 (1) for adjudication motor carrier probable violations. (9/14/10)
6. PSC Initiated – NWE Columbia Falls Incident Investigation – Discuss and provide direction to staff regarding the disposition of a probable pipeline safety regulation violation related to the incident in Columbia Falls. (9/14/10)
7. Placeholder – Out of state staff travel – Obtain approval of Brian's travel to the NARUC Renewable Energy Retreat, Oct. 7-8, Riverside CA. (9/14/10)

Other Meetings**9/14/10 12:00 p.m. – 1:30 p.m. – NRRI Teleseminar, “Jurisdiction Over the Electric Industry: Find Out Who’s Doing What to Whom” (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. Citizens Telecommunications Company N2010.9.91 (Scott)

On August 31, 2010, Citizens filed advice letter no. MT-10-04. The purpose of this filing is to introduce three new residential bundle services called Frontier Digital Phone State with Essential 1 Service, Frontier Digital Phone Nationwide with Essential 1 Service, and Frontier Digital Phone Nationwide Extra with Essential 1 Service. Citizens request that this filing become effective on October 4, 2010.

2. Lightning Ram, Inc. dba Shuttle to Big Sky and Taxi TN2477 (Eric D)

Lightning Ram, Inc. dba Shuttle to Big Sky and Taxi, Big Sky, Montana, requests that PSC No. 8995 be split. Currently PSC No. 8995 reads:
 SUB C Class B – Persons and baggage between all points within Madison and Gallatin counties. Limitations: (1) Transportation must originate or terminate within a twenty (20) mile radius of Big Sky, Montana. (2) Transportation of fifteen (15) passengers or less per vehicle.
 If the request to split the authority is granted, PSC No. 8995 will read:
 SUB D Class B – Persons and baggage between all points within Madison and Gallatin counties. Limitations: (1) Transportation must originate or terminate within a twenty (20) mile radius of Big Sky, Montana. (2) Transportation of fifteen (15) passengers or less per vehicle. (3) Operations in limousine service are prohibited.

A new PSC number will be issued for the split portion of the authority. It will read:

Class B – Persons and baggage in limousine service between all points within Madison and Gallatin counties. Limitations: (1) Transportation must originate or terminate within a twenty (20) mile radius of Big Sky, Montana. (2) Transportation of fifteen (15) passengers or less per vehicle.

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.

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 these agreements 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 these agreements, the interested party may file an objection with the Commission within 30 days of the date of these notices (please see Qwest Alternative Form of Regulation (AFOR) Docket No. D2008.1.3, Order No. 6889n, Joint Stipulation).

1.) **Qwest Corporation/CC Services, Inc.**

Qwest Corporation (Qwest) and the CC Services, Inc. have signed a Multi-State Agreement for Qwest to provide certain telecommunications services to CC Services, Inc.

2.) **Qwest Corporation/Sears Holdings Management Corporation**

Qwest Corporation (Qwest) and Sears Holdings Management Corporation (Sears) have signed a Multi-State Agreement for Qwest to provide certain telecommunications services to Sears.

3.) Qwest Corporation/Oracle America.

Qwest Corporation (Qwest) and Oracle America (Oracle) have signed a Multi-State Agreement for Qwest to provide certain telecommunications services to Oracle.

4.) Qwest Corporation/Dex Media, Inc.

Qwest Corporation (Qwest) and Dex Media, Inc. (Dex) have signed a Multi-State Agreement for Qwest to provide certain telecommunications services to Dex.

New Filings Received in Past Week

D2010.9.90 – Energy West Montana – Application to Establish Increased Service Rates

N2010.9.91 – Citizens Telecommunications Company of Montana d/b/a Frontier Communications of Montana – Advice Letter No. MT-10-04 – New Residential Bundled Services