

**MONTANA PUBLIC SERVICE COMMISSION  
AGENDA NO. 10-11- 09**

Date Published: November 4, 2010  
For Work Week Commencing: November 8, 2010  
Commission Meeting: November 9, 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 November 4, 2010

2. NorthWestern Energy (NWE) N2010.10.100 (Scott)

On October 18, 2010, NWE filed an application seeking authority to accumulate the under and over collections of MPSC and MCC taxes starting on October 1, 2010. Due to a lack of materiality NWE has chosen to defer implementing tariffs reflecting these tax increases at this time. NWE proposes to accrue both under and over collections for inclusion in its next general rate filing. The under and over collections will be carried on NWE's books as regulatory liabilities and assets until returned to or recovered from customers. Probable Motion: Grant NWE's request to accrue under and over collections of the MPSC and MCC tax increases until the next general rate case.

3. Citizens Telecommunication N2010.10.101 (Scott)

On October 20, 2010 Citizens filed advice letter No. MT-10-05. The purpose of this filing is to introduce a new feature package referred to as Frontier Business All In Feature Package. This filing also removes the condition that prevents Centrex Customers from purchasing these bundles, grandfather the existing optional feature packages. Citizen's is requesting this becomes effective on November 22, 2010. Probable Motion: Approve Citizen's advice Letter No. MT-10-05 in Docket N2010.10.101.

4. Lame Deer Health Center TN2483 (Eric D.)

Lame Deer Health Center, Lame Deer, Montana, lessee of PSC No. 9413 requests permission to self insurance for liability purposes as allowed for under 38.3.708. Lame Deer Health Center a division for the federal government, and the federal government self insures pursuant to the Federal Tort Claims Act (U.S.C. 2671 et seq.). Probable Motion: Approve self insurance as requested.

5. C.B. Geier TN2484 (Eric D.)

C.B. Geier, Helena, Montana and Tiger Express of Montana, Inc., Helena, Montana request permission to terminate the lease of PSC No. 3584 effective immediately. Probable Motion: Approve the termination of the lease as requested.

SUB E Class C - Property within the City of Helena, Montana and to or from points tributary thereto, but within a distance not exceeding fifty (50) miles thereof. Limitations: Transportation service as an intermediate carrier between two line haul carriers, except pickup and delivery service within the City of Helena, Montana is prohibited. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

6. C.B. Geier T N2485 (Eric D.)

C.B. Geier, Helena, Montana requests permission to lease PSC No. 3584 to Mad Dash Montana Delivery Courier & Moving Services, Inc., Helena, Montana for the period November 9, 2010 to May 9, 2011. Probable Motion: Approve the lease as requested.

SUB E Class C - Property within the City of Helena, Montana and to or from points tributary thereto, but within a distance not exceeding fifty (50) miles thereof. Limitations: Transportation service as an intermediate carrier between two line haul carriers, except pickup and delivery service within the City of Helena, Montana is prohibited. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

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

1. Placeholder – D2010.5.55 – Qwest/CenturyLink – Merger Application – Consider any pre-hearing matters or motions. (11/09/10)
2. D2010.8.81 – Qwest/Unite Private Networks – Interconnection Agreement – Act on the agreement. (11/09/10)
3. D2010.9.98 – Treeline Springs, LLC – Application for Increased Rates to Water and Wastewater Service – Discuss and act on Commission entering an appearance in the bankruptcy case of Applicant pending before the United States Bankruptcy Court, District of Montana. (11/09/10)
4. D2010.4.41 – Mountain Water Company – Application to Increase Rates and Charges for Water Service – Discuss and act on approving protective order until District Court case CDV 2010-945 is decided. (11/09/10)
5. FERC NOPR RM 10-23 – OMS comments to FERC on Transmission Planning and Cost Allocation – Consider joining OMS reply comments to

FERC on Transmission Planning and Cost Allocation Notice of Proposed Rulemaking (NOPR). (11/09/11)

6. T-10/35/CO< - Karst Stage, Inc. – Complaint against Rumble, Inc., d/b/a Classic Limo – Discuss and act on noticing the complaint. (11/09/10)
7. 2011 Legislature – Consider 3 PSC bill drafts: (1) subject motor carriers to PSC tax and repeal annual motor carrier fee; (2) exempt certain motor carriers from PSC regulation; and (3) revise 69-3-602, MCA, to limit the ability of QFs to seek rates other than those provided for in tariffs and to adjust 120-day decision period. (11/09/10)

### **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. MDU Resources Group, Inc. D2010.11.103 (Eric)

On November 1, 2010, MDU Resources Group, Inc. applied for authority to issue over a two-year period \$150,000,000 of short-term financing in the form of unsecured promissory notes and/or commercial paper. The proceeds of these issuances will be used for funding the Company's capital requirements, for the refunding of its outstanding obligations, for corporate development purposes, and for other general corporate purposes.

2. Central Montana Communications N2010.11.104 (Scott)

On November 3, 2001, Central Montana Communication (CMC) requested changes to its tariffs. CMC is requesting in its Section 7 Service Bundles to allow each subscriber to select up to five features from a list of Custom and CLASS service options. Also, Section 29 Custom Local Area Signaling Service to discontinue offering Home Intercom and grandfather their existing 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.

**Information Items** All items identified below are for information only.

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

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 this 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 this 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.) **Gannet Supply Corporation**

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

**New Filings Received in Past Week**

D2010.10.102 – 3 Rivers Telephone Cooperative, Inc. and MTPCS, LLC d/b/a Cellular One – Application for Approval of Adoption of the Terms of the Wireline Interconnection Agreement

D2010.11.103 – Montana-Dakota Utilities Resources Group, Inc. – Application for Authority to Issue up to \$150,000,000 of Promissory Notes and/or Commercial Paper

N2010.11.104 – Central Montana Communications, Inc. - Requested changes to tariffs - Service Bundles to allow each subscriber to select up to five features from a list of Custom and Class service options