

**MONTANA PUBLIC SERVICE COMMISSION
AGENDA NO. 11-01-25**

Date Published: January 20, 2011
For Work Week Commencing: January 24, 2011
Commission Meeting: January 25, 2011, 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 January 10, 2010

2. BLACK HILLS POWER D2010.12.117 (Eric)

On December 20, 2010, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on December 21, 2010. Requests for hearing were due by January 24, 2011. No requests have been received. This application will increase revenues by \$87,624 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.

3. Evans Transfer & Storage, Inc. TN2491 (Eric D.)

Evans Transfer and Storage, Inc., Maricopa, Arizona requests permission to suspend PSC No. 1712 for a six month period, December 1, 2010 to June 1, 2011.

Class C - Property within the City of Butte, Montana, and to or from points tributary thereto, but within a distance not exceeding fifty (50) miles in any direction from said city. Limitations: The transportation of property between Fuller Station and Comet and Grey Eagle Mine is prohibited. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

SUB A Class B - Household goods (as defined by Commission) from Butte and points within a radius of fifty (50) miles in any direction from said city to all points and places in the State of Montana and from all points and places in the State of Montana to Butte and points within a radius of fifty (50) miles of said city.

SUB B Class B - Household goods (as defined by Commission) for hire over and on the public highways of the State of Montana, from all points and places within the State of Montana west of a line drawn from the U.S.-Canadian boundary to the Montana-Wyoming boundary along the east boundary lines of Phillips, Petroleum, Musselshell, Yellowstone and Big Horn Counties to all points in the State of Montana and from all points and places in the State of Montana to points and places in the State of Montana west of a line drawn from the U.S.-Canadian boundary to the Montana-Wyoming boundary along the east boundary lines of Phillips, Petroleum, Musselshell, Yellowstone and Big Horn Counties. Limitations: Transportation of household goods (as defined by Commission) within Butte, Montana, and a fifty (50) mile radius thereof is prohibited.

SUB C Class C - Property within the City of Bozeman, Montana, and to or from point's tributary thereto, but within a distance not exceeding twenty-five (25) miles in any direction from said city. Limitations: 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. PSC – May 6, 2010 Columbia Falls Incident Investigation – Discussion and final disposition. (1/25/11)
2. D2010.9.96; D2010.11.108; D2010.12.115 – Qwest Corporation, Liberty-Bell, LLC; Qwest Corporation, Broadview Networks, Inc.; Blackfoot Telephone Cooperative, Level 3 Communications – Interconnection Agreement – Act on the Interconnection Agreement. (1/25/11)
3. FERC ER-10-1138 – NWE's Schedule 3 (Regulating service to be provided by Mill Creek) filing – Update the Commission on the FERC case. (1/25/11)
4. Legislative – Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (1/25/11)
5. **1/24/11 at 1:30 p.m., 1/26/11, 1/27/11, 1/28/11, at 8:30 a.m.** - Legislative – Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (1/24/11, 1/26/11, 1/27/11, 1/28/11)

Other Meetings

1/24/11, 11:00 AM – 1:00 PM – Michigan State University's Institute of Public Utilities online discussion forum: "Regulatory Treatment of ARRA-Funded Infrastructure Projects (Bollinger Room – no web audio feed)

1/25/11 12:00 PM – 1:30 PM – NRRI teleseminar, "Utility Performance Requires Objective Regulation: How the National Regulatory Research Institute Can Help" (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. Project Telephone Co N2011.1.3 (Scott)

On January 19, 2011, Project Telephone Co. requested to change in text only tariff sheets signifying Trunk Hunting may be added into a bundle in place of a Tele*Star Service.

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.

1. NorthWestern Energy. D2010.7.77 (AI)

On January 13, 2011, NorthWestern Energy (NWE) filed a motion for protective order to govern access to certain information that has been requested by data requests in this docket. Specifically, NWE seeks protection of "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, including information developed with finalists, Memoranda of Understanding and subsequent negotiations in that process, and pro forma analyses and project specific information created, generated or analyzed by NWE or its third party consultant DNV." NWE asserts that the information is trade secret.

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

D2011.1.2 – Five Valleys Gas – Monthly Gas Tracker Adjustment for Propane Service in the Seeley Lake MT Service Area

N2011.1.3 – Nemont Telephone Cooperative, Inc. – Change in Text only tariff sheets signifying Trunk Hunting Service Arrangements may be added into a bundle in place of a Tele*Star Service

D2011.1.4 – Qwest Corporation and Verizon Wireless – Application for Approval of Type 2 Wireless Interconnection Agreement

D2011.1.5 – Cut Bank Gas Monthly Gas Cost Rate Adjustment Effective for the Period January 1 through December 31, 2011

D2011.1.6 – Qwest Corporation and Nexus Communications Inc. – Application for Approval of Type 2 Wireless Interconnection Agreement