

**MONTANA PUBLIC SERVICE COMMISSION  
AGENDA NO. 11-02-01**

Date Published: January 27, 2011  
For Work Week Commencing: January 31, 2011  
Commission Meeting: February 1, 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 17, 2011

2. 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. Probable Motion: Approve Project Telephone's request in Docket N2011.1.3.

3. Flathead Area Custom Transportation, Inc. TN2492 (Eric D.)

On January 24, 2011, Flathead Area Custom Transportation, Inc. dba Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana, requested permission to suspend PSC No. 9364 for a final six month period, January 12, 2011 to July 12, 2011. Probable Motion: Approve the final six month suspension as requested.

SUB B Class B - Passengers, baggage and express between all points and places in Lincoln and Sanders Counties. Limitations: Transportation of railway crews is prohibited. Transportation by limousine is prohibited. 2) Transportation by limousine is prohibited. 3) Transportation of passengers, baggage and express between points and places in Libby, Montana and a thirty (30) mile radius thereof is prohibited. 4) Transportation of passengers, baggage and express between points and places in Eureka, Montana and a thirty (30) mile radius thereof is prohibited.

SUB C Class B - Passengers, baggage and express between all points and places in Eureka, Montana and a thirty (30) mile radius thereof. Limitations: 1) Transportation of railway crews is prohibited. 2) Transportation by limousine is prohibited.

4. Big Sky Transfer & Storage, Inc. TN2493 (Eric D)

Big Sky Transfer and Storage, Inc., Great Falls, Montana, on January 26, 2011, requested to continue the lease of PSC No. 2406 to Mergenthaler Transfer & Storage, Inc., Helena, Montana. The term of the lease is one year, January 28, 2011 to January 28, 2012. Probable Motion: Approve the lease renewal as requested.

Class C - General merchandise within the City of Glendive, Montana and to or from points tributary thereto, but within a distance not exceeding five miles in any direction of said city. Limitation: Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

SUB A Class B - Household goods (as defined by Commission) to and from all points and places within the State of Montana.

SUB B Class C - Property within the City of Great Falls, Montana and points tributary thereto, but within a distance not exceeding fifty (50) miles in any direction from said city. Limitations: The transportation of property between points served by rail carriers or between points served by a motor carrier operating between fixed termini or over a regular route is prohibited. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

5. PSC Organization (Kate)

Staff proposes to move the agency's pipeline safety functions and responsibilities out of the Engineering, Transportation, and Pipeline Safety Bureau and into its own unit to be managed by Joel Tierney who will report to and be supervised by the Regulatory Division Administrator. A revised organization chart that reflects the change has been distributed. Probable motion: Move to transfer the agency's pipeline safety functions and responsibilities out of the Engineering, Transportation, and Pipeline Safety Bureau and into its own unit to be managed by Joel Tierney who will report to and be supervised by the Regulatory Division Administrator.

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

1. D2010.9.96, D2010.11.108, D2010.12.115 – Qwest Corporation/Liberty-Bell Telecom, LLC, Qwest Corporation/Broadview Networks, Inc.; Blackfoot Telephone Cooperative/Level 3 Communications – Applications for Approval of Interconnection Agreements – Discuss/act on the interconnection agreements. (2/1/11)
2. D2010.12.116 – NorthWestern Energy – Application for Approval of Automatic Rate Adjustment and Tracking for Taxes and Fees – Discuss and act on final order. (2/1/11)

3. D2010.7.77 – NorthWestern Energy (NWE) – Application for Approval of Avoided Cost Tariff for New Qualifying Facilities – Discuss and act on NWE’s Motion for Protective Order filed January 13, 2011. (2/1/11)
4. Possible PSC investigation – Consider initiating a proceeding pursuant to § 69-3-324, MCA, to investigate the rates, tolls, charges, rules, practices, and services of NorthWestern Energy subsequent to PSC Order 7046h in Docket D2009.9.129. (2/1/11)
5. 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. (2/1/11)
6. **1/31/11 – 1:30 p.m.; 2/2/11, 2/3/11 2/4/11 – 8:30 a.m.** – 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. (1/31/11, 2/2/11, 2/3/11, 2/4/11)

### **Other Meetings**

**2/2/11 12:00 - 1:30 p.m. – NRRI teleseminar, “What Is a ‘Utility’ Anyway and Who Needs It? For What?” (Commission Conference Room – no web audio feed)**

**2/2/11 2:00 - 2:30 p.m. – Informational meeting with Colonel Robert Charette, Jr. and Vice Admiral Dennis McGinn (Ret.) on national security and America’s energy future (Bollinger Room)**

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.

**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 the following agreements at the Commission's offices, 1701 Prospect Avenue, Helena, MT 59601, 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 agreements, 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 – Qwest Corporation (Qwest) and Bank of America have signed a Multi-State Agreement (MSA) for Qwest to provide certain telecommunications services to Bank of America.

2) Qwest Corporation/Cabela's, Inc. – Qwest Corporation (Qwest) and Cabela's, Inc. have signed a Multi-State Agreement (MSA) for Qwest to provide certain telecommunications services to Cabela's, Inc.

**New Filings Received in Past Week**

D2011.1.7 – NorthWestern Energy – Request for an Accounting Order Authorizing the Deferral of the Expense-Related Portion of the Costs Associated with Phasing in its Distribution System Infrastructure Project

D2011.1.8 – Mountain Water Company – Petition for a Declaratory Ruling Disclaiming Commission Jurisdiction over the Sale and Transfer of Stock in Park Water Company and Application for Approval of the Sale and Transfer of Stock in Park Water Company

N2011.1.9 – PSC Initiated – 2011 Annual Line Moving Charges – Compliance Filings