

**MONTANA PUBLIC SERVICE COMMISSION
AGENDA NO. 11-02-08**

Date Published: February 3, 2011
For Work Week Commencing: February 7, 2011
Commission Meeting: February 8, 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 24, 2010

2. Triple S Disposal, Inc. T-11.1.ST (Eric D.)

On December 20, 2010 Triple S Disposal, Inc., Savage, Montana filed an application to transfer PSC No. 9476 to Miller's Garbage Service, Inc., Savage, Montana. The transfer was noticed to the public on January 13, 2011 and no protests were received. Probable Motion: Approve the transfer of PSC No. 9476 to Miller's Garbage Service, Inc.

Class D – Garbage and solid waste, between points in Richland County, Montana. Carrier is authorized to transport authorized commodities to certified landfills from territory authorized.

LIMITATION: Use of roll-off containers is prohibited.

3. Dick Irvin, Inc. TN2494 (Eric D.)

Dick Irvin, Inc., Shelby, Montana, on February 2, 2011, requested to continue the lease of PSC No. 9392 to Irvin, Inc. and Mico, Inc. dba I & T Transfer, Shelby, Montana for a one year period, January 6, 2011 to January 6, 2012. Probable Motion: Approve the renewal of the lease.

SUB F Class B - Property within the town of Fairfield, Montana, and to or from points tributary thereto, but within a distance not exceeding fifty (50) miles in any direction from said town, and the transportation of building materials only within a distance not exceeding 150 miles in any direction from said town of Fairfield. Limitation: Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

SUB L Class B - Property in Oilmont, Montana, and in the oil fields tributary thereto, but within a distance not exceeding fifty (50) miles in any direction from said town. 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.

SUB M Class B - Property within the City of Conrad, Montana, and to or from points tributary thereto, but within a distance not exceeding fifty (50) miles in any direction from said town. 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.

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

1. D2008.10.123 – HLH, LLC – Application to Implement Increased Rates for Water and Sewer Service to it Big Sky, MT Service Area – Discuss and act on Motion for Late Intervention. (2/8/11)
2. Out of state staff travel – Obtain approval of Brian Dekiep’s travel to the Energy Imbalance Market (EIM) Crossroads meeting, March 7-8, 2011, in Portland OR. (2/8/11)
3. 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. (2/8/11)
4. **2/7/11 – Immediately following information meeting; 2/9/11, 2/10/11, 2/11/11 – 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. (2/7/11, 2/9/11, 2/10/11, 2/11/11)

Other Meetings

2/7/11 1:00 – 2:30 p.m. – Midwest ISO informational meeting – introduction/update on activities (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.

1. Central Montana Communications N2010.1.10 (Scott)

On January 27, 2011, Central Montana Communications request to modify its tariff. Special provision for joint use trenches less than 300 feet requiring a one year contract has been deleted. No matter the length of the joint use trench, the standard contract terms will apply.

2. Citizens Telecommunications N2010.1.11 (Scott)

On January 26, 2011, Citizens filed advice letter No. MT-11-01. The purpose of this filing is to introduce a new condition addressing Utility facility relocation request. This request states that if a change in the type, location or the relocation of aerial or underground of communications facilities used to provide telephone service, the requestor shall be required to pay the cost incurred by the Utility for such change or relocation of facilities.

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. Energy West Montana D2010.9.90 (Justin)

On February 2, 2011, Energy West Montana (EWM) filed a Motion for Protective Order to protect from disclosure Montana and federal tax returns of EWM. EWM contends that its tax returns are confidential under both federal and state law.

2. Aquanet, Inc. D2009.12.156 (Justin)

On January 27, 2011, Aquanet, Inc. (Aquanet) filed a Motion for Protective Order to protect from disclosure Montana and federal income tax returns of Aquanet. Aquanet contends that its income tax returns are confidential under both federal and state law.

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

N2011.1.10 - Central Montana Communications, Inc. - Modified its tariff Section 11.1 - Construction New Service One Applicant

N2011.1.11- Citizens Telecommunications Company of Montana d/b/a Frontier Communications of Montana - Advice Letter No. MT-11-01 - Introduce a new Condition Addressing Relocation of Utility Facilities

D2011.1.12 - Miller Oil Company - Monthly Gas Tracker Adjustment for Propane Service in its Culbertson MT Service Area for the Period January 1 through December 31, 2011

D2011.2.13 - Five Valleys Gas Inc - Application for Approval of Monthly Propane Gas Cost True-Up for the Period January 1, 2009 through December 30, 2010