

**MONTANA PUBLIC SERVICE COMMISSION  
AGENDA NO. 11-06-09**

Date Published: June 2, 2011

For Work Week Commencing: June 6, 2011

Commission Meeting: June 9, 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 web site at <http://psc.mt.gov> (go to "Agendas & Meetings" then "Audio/Video Archives"). 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 May 16, 2011

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

1. D2010.8.82 – Montana-Dakota Utilities Co. (MDU) – Application for Authority to Establish Increased Rates for Electric Service – Consider and rule on MDU’s Motion in Limine which seeks Commission approval of admission into evidence of all of the Applicant’s and Intervenors’ prefiled testimony without the necessity of individual witnesses being present to take the stand. (6/9/11)
2. Commissioner Molnar – Request call information from Commissioner Gutsche’s and Commissioner Kavulla’s cell phones from the work session lunch break April 15, 2011, and Commissioner Gutsche’s cell phone from the recess 2 hours and 17 minutes into the April 26, 2011, work session. (6/9/11)
3. Placeholder – Commissioner Kavulla’s trip to Las Vegas – Consider, act upon and effect the legal opinion requested at the May 31, 2011, work session. (6/9/11)

**Other Meetings**

**6/5/11 through 6/8/11 – National Conference of Regulatory Attorneys (Holiday Inn Parkside, Missoula, MT – no web audio feed)**

**6/9/11 11:00 a.m. - 12:30 p.m. – NRRI teleseminar: “Demand Response Gets Market Prices: Now What?” (Commission Conference Room – no web audio feed)**

**6/9/11 1:30 p.m. – CenturyLink informational meeting (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. Citizens Telecommunications N2011.5.44 (Scott)

On May 26, 2011, Citizens Telecommunications filed Advice Letter No. MT-11-02. The purpose of this filing is to introduce Frontier Business Nationwide Unlimited I and Frontier Business Local Unlimited I bundled services. These bundles will be available to all single-party business flat rate 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. Copies of these requests may be viewed on the Commission's web site at <http://psc.mt.gov>.

1. NorthWestern Energy D2011.5.41 (Jim)

On May 27, 2011, Invenergy Wind Development Montana LLC ("Invenergy") filed its Motion for Issuance of Protective Order seeking confidential treatment of certain materials supplied to NorthWestern Energy by Invenergy during a Request for Information process, *viz.*, cost estimates; price information; liquidated damages arrangements; *pro forma* financial models; legal and environmental risk analysis that names neighbors, land owners, and potential lawsuits; wind data and energy estimates; project size and capacity factor information; lease and easement agreements; information regarding conditions precedent to be satisfied prior to final contract execution; financing and or security arrangements or requirements; third party submittals, such as price proposals from turbine manufacturers and balance of plant contractors as well as cost of capital; and landowner lease, easement, and study agreements.

2. NorthWestern Energy D2011.5.41 (Jim)

On June 1, 2011, Compass Wind, LLC ("CW"), Compass Wind Projects, LLC ("CWP"), and Spion Kop Wind, LLC ("SK") (collectively, "Movants") filed their

Motion for Protective Order seeking confidential treatment of certain materials supplied to NorthWestern Energy by Movants. Movants request protection of their non-public financial information including access to capital; assets; finances; financial statement; financing plans; and funding sources. Movants contend that such information constitutes a trade secret and warrants protection from public disclosure.

3. Carlyle Infrastructure Partners, LP      D2011.1.8      (Justin)

On May 27, 2011, Carlyle Infrastructure Partners, LP (Carlyle) filed a Motion for Protective Order to protect from disclosure certain financial, organizational, and other information regarding the private entities involved in the proposed acquisition of Park Water and the financial analyses conducted by those entities regarding the proposed acquisition. Carlyle argues that this information is trade secret and qualifies for protection from disclosure.

**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 viewed on the Commission’s web site at <http://psc.mt.gov>.

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

**New Filings Received in Past Week**

D2011.5.36 – NorthWestern Energy – Application for Approval of 1) Unreflected Gas Cost Account Balance for the 12-Month Period Ending June 30, 2011 and Projected Gas Cost Tracking for the 12-Month Period Ending June 30, 2012; and 2) Gas Transportation Adjustment Clause Balance as of April 30, 2011

D2011.5.41 – NorthWestern Energy – Application for Approval to Purchase and Operate the Spion Kop Wind Project, for Certification of the Spion Kop Wind Project as an Eligible Renewable Resource, and for Related Relief

D2011.5.43 – Qwest Corporation and Broadvox-CLEC – Application for Approval of Adoption of the Wireline Interconnection Agreement between Neutral Tandem, Inc. and Qwest Corporation

N2011.5.44 – Citizens Telecommunications Company of Montana d/b/a Frontier Communications of Montana – Advice Letter No. MT-11-02, Frontier Business Bundled Services

D2011.6.46 – Electric City Power, Inc. – Petition for a Short-Term Waiver from Full Compliance with the Montana Renewable Portfolio Standard