

**MONTANA PUBLIC SERVICE COMMISSION
AGENDA NO. 11-07-26**

Date Published: July 21, 2011

For Work Week Commencing: July 25, 2011

Commission Meeting: July 26, 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 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 weeks of June 27, July 4 and July 11, 2011

2. Capt. N Trips LLC T-11.17.OTSC (Eric D.)

Capt. N. Trips LLC, Missoula, Montana holds PSC No. 9461. As a seasonal operator insurance must be filed prior to the seasonal part specified on the certificate. Seasonal start is July 1 of each year. No insurance is on file, and an Order to Show Cause was issued on July 1, 2011 by certified mail. The document was returned as attempted as unknown. Attempts to contact the carrier have not been successful. Probable Motion: Cancel PSC No. 9461 for failure to file proper insurance.

Class B – Passengers from all points and places in Missoula County to all fishing and river access sites in Missoula County and return. LIMITATION: Transportation is limited to service conducted between July 1, and September 30 of each year.

3. Drive4U TN2504 (Eric D.)

Flathead Area Custom Transportation, Inc. dba Kalispell Taxi & Airport Shuttle Service, Kalispell, Montana requests permission to continue the lease of PSC No. 56 to Jeanne M. Herron dba Drive4U, Whitefish, Montana for one year, July 22, 2011 to July 22, 2012. Probable Motion: Approve the continued lease of PSC No. 56.

Class B - Persons, baggage and express within the City of Kalispell, Montana and between points and places tributary there to, but not exceeding fifty (50) miles in any direction from said City of Kalispell.

Sub A Class B - Persons within the City of Kalispell, Montana, and to or from points tributary thereto, but within a distance not exceeding twenty-five (25) miles in any direction from said city.

Sub C Class B - Persons and hand luggage between all points and places within the town of Kalispell, Montana.

4. Evans Transfer & Storage, Inc. TN2505 (Eric D.)

Evans Transfer & Storage, Inc., Maricopa, Arizona requests permission to suspend PSC No. 1712 for a final six month period, June 1, 2011 to December 1, 2011. Probable Motion: Approve the final suspension of PSC No. 1712.

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 points 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.

5. AAA Night Taxi TN2406 (Eric D.)

Eric Fruehstorfer dba AAA Night Taxi, Lewistown, Montana requests cancellation of PSC No. 9471 effective immediately. Probable Motion: Cancel PSC No. 9471.

Sub A Class B – Passengers between all points and places in Lewistown, Montana and a sixty (60) mile radius thereof. Limitation: 1) Transportation in limousine service is prohibited.

6. Black Hills Power D2011.6.49 (Eric E.)

On June 20, 2011, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on June 23, 2011. Requests for hearing were due by July 25, 2011. No requests have been received. This application will increase revenues by \$120,108 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.

7. Montana-Dakota Utilities Co. Docket D2011.6.52 (Kate)

On June 22, 2011, MDU filed a revised electric line extension tariff to bring the tariff into compliance with a law enacted by the 2011 Legislature (HB 291). Under MDU's revised tariff, if customers pay for an electric line extension to their residence and subsequent users connect to the extension, MDU will provide a proportionate refund to the initial customer for up to 10 years from the original customer's initial service date. The previous MDU tariff allowed for refunds for up to 5 years after the customer's initial service date. Probable Motion: Approve MDU's revised electric line extension tariff.

8. Qwest Corporation D2006.3.30 (Mike)

Qwest Corporation/DIECA Communications
Qwest has filed for approval with this Commission an amendment to the existing interconnection agreement between Qwest and DIECA Communications in Docket No. D2006.3.30. The amendment adds terms, conditions, and rates for resales which were not present in the original agreement. The Amendment was Noticed on the Commission Agenda on June 13, 2011, and no objections or requests for intervention have been received by the Commission. This amendment was voluntarily negotiated by the parties involved. Staff recommends approval of this amendment.

Probable Motion: Move to approve the interconnection agreement amendment between Qwest and DIECA Communications in Docket No. D2006.3.30.

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

1. D2011.5.42 – NWE – BPA Residential Exchange Credit Filing – Approve Final Order on BPA Residential Exchange Program rate credit. (7/26/11)
2. D2011.1.8 – Consolidated Petition by Mountain Water for Declaratory Rulings and Application for Approval of Sale – Discuss and act on issuing an amended procedural schedule and establishing a hearing date of September 26, 2011. (7/26/11)
3. D2011.4.35 – Sleepy Hollow Oil and Gas, LLC – Initiate natural gas service and establish initial interim rates for service in and around Winifred MT – Act on draft Interim Order. (7/26/)
4. D2011.5.39 – Miller Oil Co. d/b/a The City Line – Annual True-up – Act on default order. (7/26/11)
5. D2010.8.82 – MDU – Application for Authority to Establish Increased Rates for Electric Service – Discuss and act on draft Final Order. (7/26/11)
6. N2010.12.111 – NWE – 2010 Natural Gas Procurement Plan – Discuss and act on PSC comments on the plan. (7/26/11)
7. Forbes v. NWE – Consider accepting the complaint. (7/26/11)
8. PSC Initiated – Discuss and provide direction to staff regarding changes to motor carrier administrative rules. (7/26/11)
9. T-11.15.OTSC – Jim’s Taxi – Discuss and provide direction to staff regarding Jim’s Taxi’s response to Commission’s order to show cause. (7/26/11)
10. Out-of-state staff travel – Obtain approval of Jason Brown’s travel to the Advanced Energy Operations Conference, October 24 – 25, 2011, in Chicago IL. (7/26/11)

Other Meetings**7/26/11 12:00 PM – 1:30 PM – NRRI teleseminar, “Electricity Storage: How Regulators Can Ensure that New Technologies Benefit Consumers” (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. Qwest N2011.7.60 (Scott)

On July 8, 2011 Qwest filed Tariff Transmittal 11-AC01 - Revised Access Service Tariff. Qwest is requesting the approval of the Company's fictitious name d/b/a CenturyLink QC and includes an adoption notice, and a revised title and application of tariff page reflecting the d/b/a CenturyLink QC. There are no changes to the rates, terms or conditions of the tariff? Qwest is requesting an effective date of August 8, 2011.

2. Qwest N2011.7.61 (Scott)

On July 8, 2011 Qwest filed Tariff Transmittal 11-AC02 - Revised Private Line Transport Services Tariffs. Qwest is requesting the approval of the Company's fictitious name d/b/a CenturyLink QC and includes an adoption notice, and a revised title and application of tariff page reflecting the d/b/a CenturyLink QC. There are no changes to the rates, terms or conditions of the tariff. Qwest is requesting an effective date of August 8, 2011

3. Qwest N2011.7.62 (Scott)

On July 18, 2011 Qwest filed Tariff Transmittal 11-1 - Revised Exchange and Network Services Tariffs. Qwest is requesting the approval of the Company's fictitious name d/b/a CenturyLink QC and includes an adoption notice, and a revised title and application of tariff, and/or a trademark page reflecting the d/b/a CenturyLink QC. There are no changes to the rates, terms or conditions of the tariff. Retail customers were notified via bill message appearing in the June billing statements. Qwest is requesting an effective date of August 8, 2011

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 (Sarah/Jim)

On July 11, 2011, General Electric Energy (GEE) filed a Motion for Protective Order (Motion) and Brief in Support (and a Motion for Limited Intervention) in the above captioned matter. GEE's Motion seeks to protect from disclosure certain information provided to Compass Wind during NWE's RFI process. Specifically, GEE seeks protection of the pricing, payments, termination charges, and liquidated damages in the Turbine Supply Agreement and pricing information in the Full Service Agreement. GEE argues that this information is confidential 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 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

D2011.7.56 - CenturyLink - Application for Approval to Change Accounting Methodology

D2011.7.57 – NorthWestern Energy - Petition for a Declaratory Ruling on the Applicability of 18 CFR 292.304(f) and ARM 38.5.1903(1) to Contracts with Qualifying Facilities

D2011.7.58 – NorthWestern Energy - Monthly Natural Gas Cost Rate Adjustment for the Period August 1, 2011 through June 30, 2012

D2011.7.59 – NorthWestern Energy - Monthly Electric Supply Cost Rate Adjustment for the period August 1, 2011 through June 30, 2012

N2011.7.60 - Qwest - Tariff Transmittal 11-AC01 - Revised Access Service Tariff

N2011.7.61 - Qwest - Tariff Transmittal 11-AC02 - Revised Private Line Transport Services Tariffs

N2011.7.62 - Qwest Corporation - Tariff Transmittal 11-01 - Revised Exchange and Network Services - Filing to add d/b/a CenturyLink QC to Qwest Tariff Pages