

**MONTANA PUBLIC SERVICE COMMISSION
AGENDA NO. 11-10-13**

Date Published: October 6, 2011
For Work Week Commencing: October 10, 2011
Commission Meeting: October 13, 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 web site 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 (Aleisha)

Approval of the Commission Minutes for the week of October 3, 2011

2. CenturyLink N2011.9.85 (Scott)

On September 22, 2011, CenturyLink filed Advice No. 11-08 to Introduce Natural Disaster Relief for Customers to assist customers impacted by a natural disaster. Probable Motion: Approve CenturyLink Advice No. 11-08 in Docket N2011.9.85.

3. Kootenai Transfer & Storage T-11.23.OTSC (Nickie)

On August 31, 2011, an Order to Show Cause was issued to Donald P. Emery dba Kootenai Transfer & Storage, Libby, Montana, PSC No. 2075, for failure to file the 2010 Annual Report as required by 69-12-407 MCA. The Order was sent certified mail. On September 23, 2011, it was returned unclaimed. Field Enforcement Officer Bob Charles personally served the Order on Mr. Emery on September 27, 2011. Mr. Emery has not contacted the office and has not filed the required report. Probable Motion: Cancel PSC No. 2075 for failure to file a 2010 Annual Report.

Class C – Goods, wares, merchandise and fuel with headquarters at Libby, Montana, between all points and places within Lincoln and Sanders Counties.

SUB B Class C – Property within the City of Miles City, Montana, and to or from points tributary thereto, but within a distance not exceeding fifty (50) miles in any direction from said city. Limitations: Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

Sub C Class C – Persons and property in the City of Miles City, Montana, and to or from points immediately tributary thereto. Limitations: (1) Transportation of property between points served by a motor carrier operating between fixed termini or over a regular route is prohibited; (2) transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

Sub D Class B – Household Goods (as defined by the Commission) between all points and places in the State of Montana over any public highway.

4. Medicab LLC T-11.24.RI (Nickie)

On August 29, 2011, Medicab LLC, Missoula, Montana, filed for increased rates and charges covering the transportation of passengers under PSC No. 9199. The increases range from 45.83% to 483.33%. The rate increase was noticed to the public on September 15, 2011, and no protests were received. The rates are scheduled to go into effect on October 14, 2011. Probable Motion: Approve the rate increase as applied for.

SUB B Class B – Non-emergency medical and psychiatric patients from Granite, Lake, Mineral, Missoula, Ravalli, and Sanders Counties to medical appointments at health care facilities in Flathead, Granite, Lake, Mineral, Missoula, Ravalli, and Sanders and return.

SUB C Class B – Non-emergency medical and psychiatric patients from Silver Bow County to Missoula County and return.

SUB D Class B – Wheelchair bound passengers between all points and places in Missoula, Ravalli and Lake Counties, Montana.

5. Thomas F. Kenneally TN2510 (Nickie)

Thomas F. Kenneally, Butte, Montana, requests permission to continue the lease of PSC No. 4448 to The McGree Corporation, Butte, Montana, for the period, October 12, 2011 to October 12, 2012. Probable Motion: Approve the continued lease of PSC No. 4448.

Class D – Ashes, trash, waste, refuse, rubbish and garbage within the town of Whitehall, Montana, and to or from points tributary thereto, but within a distance not exceeding eighty (80) miles in any direction from town. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

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

1. Annual BTU monitoring contracts – Discuss/act on approval of contracts. (10/13/11)

2. PSC Initiated – Annual pipeline safety and electric standards rulemaking update – Discuss and approve issuing a Notice of Proposed Amendment of Administrative Rules. (10/13/11)
3. T-11.21.DR – Commission-initiated declaratory ruling proceeding regarding the scope of Commission jurisdiction over certain intrastate passenger motor carrier operations – Rule on the draft order addressing non-profits. (10/13/11)
4. Danny Sartain – Complaint filing – Consider and act on issuing a Notice of Commission Action (Lack of Jurisdiction) stating the Commission lacks jurisdiction over complaint. (10/13/11)
5. FCC NPRM on cramming – Discuss PSC reply comments. (10/13/11)
6. D2011.7.57 – NorthWestern Energy (NWE) – 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 – Consider and act on NWE’s motion to reconsider. (10/13/11)
7. D2010.7.77 – Northwestern Energy – Application for Approval of Avoided Cost Tariff Schedule QF-1 for New Qualifying Facilities – Discuss staff’s recommendations and obtain direction for final order. (10/13/11)
8. PSC Initiated – Proposed rulemaking – Discuss and act on proposed rulemaking to amend ARM 38.5.1902. (10/13/11)
9. PSC Initiated – Direct NorthWestern Energy to show cause why its 50 MW cap on new QF wind contracts should not be removed pending PSC review of QF policies – Obtain authority to issue show cause order. (10/13/11)

Other Meetings

10/12/11 – 1:00-2:30 p.m. – NRRI teleseminar, “Gas Choice: Key Reasons to Evaluate the Benefits to Residential Customers” (Commission Conference Room – no web audio feed)

10/13/11 – 1:30 p.m. – Neustar informational meeting re: national and Montana numbering issues (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. NorthWestern Energy (NWE) N2011.9.84 (Scott)

On September 29, 2011, NWE filed an application seeking authority to accumulate the under and over collections of MPSC and MCC taxes starting on October 1, 2011. Consistent with Orders 7175 and 7176 NWE has chosen to defer implementing tariffs reflecting these tax changes at this time. NWE proposes to accrue both under and over collections for inclusion in its next general rate filing. The under and over collections will be carried on NWE's books as regulatory liabilities and assets until returned to or recovered from 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>.

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

N2011.9.84 – NorthWestern Energy – Request for Authorization to Accumulate Under and Over Collections of MPSC and MCC Taxes Starting on October 1, 2011