

**MONTANA PUBLIC SERVICE COMMISSION  
AGENDA NO. 11-12-29**

Date Published: December 22, 2011

For Work Week Commencing: December 26, 2011

Commission Meeting: December 29, 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 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 December 19, 2011

2. NorthWestern Energy D2011.12.99 (Mike)

NorthWestern Energy (NWE) has requested an adjustment to its BPA Residential Exchange Credit (BPA Credit) rate to become effective January 1, 2012. By letter dated May 20, 2011, NWE submitted its annual BPA Credit filing and requested that rates be adjusted July 1, 2011, for an amount of \$(5,232,666) to be credited to customers. Final Order No. 7157a in Docket No. D2011.5.42 approved the proposed rate which went into effect July 1, 2011. As noted in the May filing, NWE has been a participant in the Residential Exchange Program (REP) Settlement Agreement proceeding. Since the time of that filing, NWE has entered into two agreements with BPA as a result of the settlement negotiations. The REP Settlement Agreement (Agreement) and the REP Settlement Implementation Agreement both commenced October 1, 2011, and replaced the existing Residential Purchase and Sales Agreement. As a result of the settlement proceeding, NWE requests an adjustment to the BPA Credit. NWE requests amount of \$(305,940) to be credited to customers over a six-month period beginning January 1, 2012. As a result of the decrease in the credit, the increase for a typical residential customer using 750 kWh per month will be \$1.42 per month or \$17.04 per year on their total bill. Probable Motion: Move to approve NWE's requested adjustment to the BPA Residential Exchange Credit to become effective January 1, 2012.

3. City Cab TN2522 (Nickie)

Montana Tariff Bureau, as agent for Willson LLC dba City Cab, Billings, Montana, in an independent action in its Passenger Tariff No. 3, requests that the fuel surcharge granted to Willson LLC dba City Cab, Billings, Montana, on November 21, 2011, of \$.75 per fare be cancelled due to falling gas prices effective immediately. Probable Motion: Approve the cancellation of the fuel surcharge

4. Brawn, Inc. TN2523 (Nickie)

Brawn, Inc., Helena, Montana, requests permission to continue the lease of PSC No. 2278 to Vance Vanderpan dba Greater Valley Taxi, Belgrade,

Montana, for a twelve month period, January 2, 2012 to January 2, 2013.  
Probable Motion: Approve the continued lease of PSC No. 2278.

SUB D Class B - Persons between all points and place within Gallatin, Park and Madison Counties. LIMITATION: Transportation between Gallatin Field Airport and Big Sky Montana, including a ten (10) mile radius of Big Sky, Montana, is prohibited.

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

1. D2011.5.40 – Complaint of John Claypool dba Madison Laundry and Cleaners, Inc. vs. NorthWestern Energy – Consider and act on Mr. Claypool’s acceptance of NorthWestern Energy’s settlement. (12/29/11)
2. N2011.3.21 – PSC Initiated – In the Matter of Federal Communications Commission Notice of Proposed Rulemaking FCC 11-13 Regarding High-Cost Universal Service Fund and Intercarrier Compensation Reform Montana Telecommunications Association – Discuss the Montana Telecommunications Association’s request for a letter of support for petition for reconsideration to the FCC for portions of the USF/ICC Order. (12/29/11)
3. D2010.10.99 – iSmart Mobile, LLC – Application for Designation as an Eligible Telecommunications Carrier – Discuss and act on iSmart’s motion for extension of time to object to data requests and objections to data requests. (12/29/11)
4. Transportation – Discuss and act on a request to authorize \$500 for a limited trial use of funds by the Director of Transportation for the purpose of contracting qualified investigative services in circumstances in which:  
(a) The location, time or other circumstances of investigation are not cost effectively, safely or conveniently accomplished by PSC employees; (b) An employee investigator is not reasonably available at a time when such is necessary; (c) Circumstances require anonymity not available from employee investigators; or (d) In the opinion of the Director/Bureau Chief, necessitate the use of contract personnel. (12/29/11)

**Other Meetings**

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 N2011.7.65 (Kate)

On December 13, 2011, NorthWestern Energy (NWE) filed a revision to the interim-approved electric line extension tariff NWE had filed in July to bring the tariff into compliance with a law enacted by the 2011 Legislature (HB 291). According to NWE, the revised tariff reflects administration of line extension advances and refunds on a proportional basis.

2. Citizens Telecommunications N2011.12.103 (Gary)

On December 14, 2011, Citizens Telecommunications Company of Montana filed Advice Letter No. MT-11-06 – VoIP-PSTN Traffic. The purpose of this filing is to propose the addition of tariff language for implementation of the intercarrier compensation regime for certain VoIP-PSTN traffic as mandated in the Federal Communications Commission's November 18, 2011 Report and Order and Further Notice of Proposed Rulemaking in WC Docket Nos. 10-90, etc. (FCC 11-161). Citizens is requesting that this filing become effective on January 14, 2012.

3. CenturyLink N2011.12.107 (Gary)

On December 20, 2011, CenturyTel of Montana, Inc. d/b/a CenturyLink filed Advice Letter No. 11-37V. The purpose of this filing is to propose the addition of tariff language for implementation of the intercarrier compensation regime for certain VoIP-PSTN traffic as mandated in the Federal Communications Commission's November 18, 2011 Report and Order and Further Notice of Proposed Rulemaking in WC Docket Nos. 10-90, etc. (FCC 11-161). CenturyLink is requesting that this filing become effective on January 20, 2012.

4. CenturyLink N2011.12.108 (Gary)

On December 20, 2011, Qwest Corporation d/b/a CenturyLink filed Tariff Transmittal 11-AC03. The purpose of this filing is to propose the addition of tariff language for implementation of the intercarrier compensation regime for certain VoIP-PSTN traffic as mandated in the Federal Communications Commission's November 18, 2011 Report and Order and Further Notice of Proposed Rulemaking in WC Docket Nos. 10-90, etc. (FCC 11-161). Qwest is requesting that this filing become effective on January 21, 2012.

**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**

N2011.12.96 – NorthWestern Energy – 2011 Electricity Supply Resource Procurement Plan

N2011.12.103 – Citizens Telecommunications Company of Montana dba Frontier Communications of Montana – Advice Letter No. MT-11-06 – VoIP-PSTN Traffic

D2011.12.105 – Denbury Green Pipeline-Montana, Inc. – Notice of Acceptance of Common Carrier Provisions of Title 69 Montana Code Annotated

D2011.12.106 – Black Hills Power, Inc. – Application for Authority to Establish a Quarterly Fuel Rate Rider

N2011.12.107 – CenturyTel of Montana, Inc. dba CenturyLink – Advice No. 11-37V – P.S.C. Mont. AC-5 – Proposed Addition of Tariff Language for Implementation of the Intercarrier Compensation Regime for Certain VoIP-PSTN Traffic

N2011.12.108 – Qwest Corporation dba CenturyLink – Tariff Transmittal 11-AC03 – Identification & Rating of VoIP-PSTN Traffic