

**MONTANA PUBLIC SERVICE COMMISSION  
AGENDA NO. 12-03-27**

Date Published: March 22, 2012  
For Work Week Commencing: March 26, 2012  
Commission Meeting: March 27, 2012, 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 (Aleisha)

Approval of the Commission Minutes for the week of March 19, 2012

2. Bresnan Broadband of Montana, LLC (Bresnan) N2012.3.23 (Gary)

On March 12, 2012, Bresnan filed two requests for Waivers of the Months to Exhaust/Utilization Threshold (MTE/UT) requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200. These waivers of the FCC's requirements would allow Bresnan to receive two NXXs from the Pooling Administrator to establish Local Routing Numbers (LRNs) for new switches in the Bozeman and Helena Rate Centers. The Bresnan requests to the Pooling Administrator were rejected because Bresnan did not meet the MTE/UT requirements in either rate center. However, FCC rules do allow for a waiver of rules if ordered by a state commission. This waiver process ("safety valve process") is addressed in FCC 01-362, paragraphs 57-66. Probable Motion: Move to approve the Bresnan Broadband of Montana, LLC requests for two waivers of the FCC MTE/UT requirements and direct the Pooling Administrator to assign the two requested NXXs to Bresnan in the Bozeman and Helena Rate Centers.

3. Citizens Telecommunications N2012.3.22 (Scott)

On March 9, 2012, Citizens filed advice letter NO. MT-12-01. The purpose of this filing is to update the Lifeline and Link Up tariff to comply with the Federal Communications Commission (FCC) Docket No. FCC-12-11, Lifeline and Link Up Reform and Modernization. Probable Motion: Approve Citizens advice letter NO. MT-12-01 in docket N2012.3.22.

4. Larson Disposal and Transport LLC TN2532 (Nickie)

Larson Disposal and Transport LLC, Seeley Lake, Montana requests cancellation of PSC No. 1455 effective immediately. Probable Motion: Approve the cancellation of PSC No. 1455 as requested.

Class C - Persons, between Missoula, Montana, and Seeley Lake, via Blackfoot route.

5. McKell Brothers Hauling TN2533 (Nickie)

Winchester McKell d/b/a McKell Brothers Hauling, Billings, Montana requests permission to lease PSC No. 983 to McKell Brothers Hauling, Inc., Billings, Montana for a 6 month period March 27, 2012 to September 27, 2012.

Probable Motion: Approve the lease of PSC No. 983 as requested.

Class B - Household goods (as defined by Commission) from Billings and points within a radius of ten (10) miles in any direction from said city to all points in the State of Montana and from all points and places in the State of Montana to Billings and points within a radius of ten (10) miles in any direction from said city.

SUB B Class C - Property in the City of Billings, Montana, and to or from points immediately tributary thereto, but not to exceed a distance of ten (10) miles in any direction thereof.

6. Disposal Service of Montana TN2534 (Nickie)

Bayside Disposal, Inc. d/b/a Disposal Service of Montana requests permission to continue the lease of PSC No. 9412 to City of Cut Bank, a Municipal Entity, Cut Bank, Montana from January 18, 2012 to January 18, 2013. Probable Motion: Approve the lease of PSC No. 9412 as requested.

Class D - Refuse, meaning all putrescible and non-putrescible solid wastes, garbage, rubbish, street cleanings, dead animals, yard clippings, solid market wastes, solid industrial wastes, liquid wastes, and any other abandoned waste, between all points and places within the city of Cut Bank, Montana and an eleven (11) mile radius thereof. Carrier is authorized to transport authorized commodities to certified landfills from territory authorized.

7. Dick Irvin, Inc. TN2535 (Nickie)

Dick Irvin, Inc., Shelby, Montana requests permission to continue the lease of PSC No. 9392 to Irvin, Inc. and Mico, Inc. d/b/a I & T Transfer, Shelby, Montana for a one year period, January 6, 2012 to January 6, 2013.

Probable Motion: Approve the lease of PSC No. 9392 as requested.

- 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. D2010.10.99 – iSmart Mobile, LLC – Application for Designation as an Eligible Telecommunications Carrier – Discuss and act on iSmart’s Motion for Protective Order. (3/27/12)
2. Coordination between the Natural Gas and Electricity Markets – Federal Energy Regulatory Commission’s (FERC) Docket No. AD12-12-000 – 1) Present and discuss the Organization of MISO States (OMS) draft comments in the above referenced docket to be submitted to the FERC no later than March 30, 2012; and 2) Request to modify this Commission’s proxy to designated PSC staff from “one-time” proxy to “standing proxy” in accordance with the OMS’s bylaw provision covering proxies. (3/27/12)
3. D2011.9.82 – Complaint of Steve Forbes – Discuss and act on the proposed order as the final order. (3/27/12)
4. D2011.8.68 - Hydrodynamics Inc. – Petition for a power purchase and sale agreement for the Flint Creek Hydroelectric, LLC project pursuant to 69-3-601

- through 69-3-604, MCA – Discuss and act on Motion to Dismiss and Withdrawal of Petition. (3/27/12)
5. T-10.31.COM, T-10.33.COM, and T-10.35.COM – Complaint of Vance Vanderpan d/b/a Greater Valley Taxi, Carrie Pintar d/b/a Amazing Taxi, and Karst Stage against Jess Rumble d/b/a Classic Limo – Discuss and act on revised Final Order. (3/27/12)
  6. Water/sewer regulation bills – Discuss water/sewer regulation and possible bills. (3/27/12)
  7. Out of state staff travel – Obtain approval of: (1) Gary Duncan’s travel to New Mexico State University in Albuquerque for a week in May and again in October to be an instructor for “The Basics” course; (2) Elizabeth Kamback’s (the new engineer) travel to the Western Region NAPSR meeting in Long Beach CA, April 30 – May 4, 2012; and, (3) Jason Brown’s travel to attend “Demand Response: Regulatory Perspectives, Utility Experiences, and Technological Developments” conference in San Diego CA, June 4-5, 2012. (3/27/12)

### **Other Meetings**

**3/29/12 - 12:00 p.m. – 1:30 p.m. – NRRI teleseminar, “Wind-Park Siting and Zoning Best Practices and Procedures: Securing Benefits While Minimizing Negative Impact” (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. CenturyLink N2012.3.28 (Scott)

On March 20, 2012, CenturyLink filed Advice No.12-01. This filing corrects the rates that were introduced with Core Connect package for the 2<sup>nd</sup> through 10<sup>th</sup> bundles.

2. Qwest Corporation d/b/a CenturyLink D2011.9.86 (Mike)

Qwest d/b/a CenturyLink / Gazelle Link, LLC  
CenturyLink has filed for approval with this Commission an amendment to the existing interconnection agreement between Qwest Corporation d/b/a CenturyLink and Gazelle Link, LLC in Docket No. D2011.9.86. The amendment adds terms and conditions relating to ICC VoIP traffic in addition to revised call signaling rules effective December 29, 2011. This amendment was voluntarily negotiated by the parties involved.

**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.

1. Qwest Corporation d/b/a CenturyLink QC Multi State and Individual Case Basis Agreements

Any qualified person who signs a non-disclosure agreement pursuant to the term protective Order No. 6999 in Docket No. D2009.5.60 may review the following agreements at the Commission's offices, 1701 Prospect Ave. Helena, MT, 59620, or at Qwest's office, 441 North Park Avenue, Helena, Mt. 59601. If any interested party has reason to believe that Qwest's prices are below relevant costs in the agreements, the interested party may file an objection with the Commission within 30 days of the date of this notice (please see Qwest Alternative Form of Regulation (AFOR) Docket No. D2008.1.3, Order No. 6889n, Joint Stipulation).

1.) Qwest Corporation d/b/a CenturyLink QC/HRB Tax Group, Inc. - Qwest Corporation d/b/a CenturyLink QC (Qwest) and HRB Tax Group, Inc. have

signed a Multi-State Agreement (MSA) for Qwest to provide certain telecommunications services to the HRB Tax Group, Inc.

- 2.) Qwest Corporation d/b/a CenturyLink QC /RBC Capital Markets, LLC - Qwest Corporation d/b/a CenturyLink QC (Qwest) and RBC Capital Markets, LLC have signed a Multi-State Agreement (MSA) for Qwest to provide certain telecommunications services to RBC Capital Markets, LLC.
- 3.) Qwest Communications Company, LLC d/b/a CenturyLink QCC/U.S. Bank National Association – Qwest Communications Company, LLC d/b/a CenturyLink QCC (Qwest) and U.S. Bank National Association have signed an amendment to their Multi-State Agreement (MSA) for Qwest to provide certain telecommunications services to U.S. Bank National Association.

### **New Filings Received in Past Week**

N2012.3.26 - Public Service Commission - Implementation of the Federal Communications Commission's Lifeline Reform Order

D2012.3.27 - Yellowstone Pipe Line Company - Proposed Montana Tariff PSC No. 48

N2012.3.28 - CenturyTel of Montana, Inc. d/b/a CenturyLink - Advice No. 12-01 - Correct the rates that were Introduced with the Core Connect Package for the 2nd through 10th bundles

N2012.3.29 - Public Service Commission - 2012 Annual Line Moving Charges - Compliance Filings

D2012.3.30 - Black Hills Corporation - Application for Authority to Establish a Quarterly Fuel Rate Rider