

**MONTANA PUBLIC SERVICE COMMISSION  
AGENDA NO. 13-02-08**

Date Published: January 31, 2013  
For Work Week Commencing: February 4, 2013  
Commission Meeting: February 8, 2013, 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 January 28, 2013

2. Out of state staff travel (Kate)

Staff requests approval for David Lofftus to attend the Institute of Public Utilities (IPU) Grid School, March 4-7, 2013, in Charleston, SC. According to the meeting information at <http://www.ipu.msu.edu/gs/index.php>, topics to be covered include: Introduction to Grid Infrastructure; Industry Structure, Economics, and Policies; Energy Resource Integration; Microgrids, Energy Storage, and Electric Vehicles; Interoperability, Security, and Privacy; Smart-Grid Evaluation; and Emerging Regulatory Issues. (David has been approved for a stipend to reimburse his travel expenses and registration fee from the Organization of MISO States.) Probable motion: Move to approve the staff travel request.

3. Flathead Area Custom Transportation, Inc. (TN2562) (Nickie)

Dave Michael as personal representative for the James E. Michael estate, Flathead Area Custom Transportation, Inc. dba Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana, and Jeanne M. Herron dba Drive4U, Whitefish, Montana, mutually request that the lease of PSC No. 56 be terminated effective February 15, 2013. Probable Motion: Cancel the lease of PSC No. 56 as requested and return it to the control of the owner.

Class B - Persons, baggage and express within the City of Kalispell, Montana and between points and places tributary thereto, 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. Flathead Area Custom Transportation, Inc. (TN2563) (Nickie)

Dave Michael as personal representative for the James E. Michael estate, Flathead Area Custom Transportation, Inc. dba Kalispell Taxi and Airport

Shuttle Service, Kalispell, Montana, requests that PSC No. 56 be suspended for a six month period February 15, 2013, to August 15, 2013. Probable Motion: Suspend PSC No. 56 as requested.

Class B - Persons, baggage and express within the City of Kalispell, Montana and between points and places tributary thereto, 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.

5. Flathead Area Custom Transportation, Inc. (TN2564) (Nickie)

Dave Michael as personal representative for the James E. Michael estate, Flathead Area Custom Transportation, Inc. dba Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana, and Jeanne M. Herron dba Drive4U, Whitefish, Montana mutually request that the lease of PSC No. 9364 be terminated effective February 15, 2013. Probable Motion: Cancel the lease of PSC No. 9364 as requested and return it to the control of the owner.

SUB B Class B - Passengers, baggage and express between all points and places in Lincoln and Sanders Counties.  
 Limitations: Transportation of railway crews is prohibited. Transportation by limousine is prohibited. 2) Transportation by limousine is prohibited. 3) Transportation of passengers, baggage and express between points and places in Libby, Montana and a thirty (30) mile radius thereof is prohibited. 4) Transportation of passengers, baggage and express between points and places in Eureka, Montana and a thirty (30) mile radius thereof is prohibited.

SUB C Class B - Passengers, baggage and express between all points and places in Eureka, Montana and a thirty (30) mile radius thereof.  
 Limitations: 1) Transportation of railway crews is prohibited. 2) Transportation by limousine is prohibited.

6. Flathead Area Custom Transportation, Inc. (TN2565) (Nickie)

Dave Michael as personal representative for the James E. Michael estate, Flathead Area Custom Transportation, Inc. dba Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana, requests that PSC No. 9364 be suspended for a six month period February 15, 2013, to August 15, 2013. Probable Motion: Suspend PSC No 9364 as requested.

SUB B Class B - Passengers, baggage and express between all points and places in Lincoln and Sanders Counties.  
 Limitations: Transportation of railway crews is prohibited. Transportation by limousine is prohibited. 2) Transportation by limousine is prohibited. 3) Transportation of passengers, baggage and express between points and places in Libby, Montana and a thirty (30) mile radius thereof is prohibited. 4) Transportation of passengers, baggage and express between points and places in Eureka, Montana and a thirty (30) mile radius thereof is prohibited.

SUB C Class B - Passengers, baggage and express between all points and places in Eureka, Montana and a thirty (30) mile radius thereof.  
 Limitations: 1) Transportation of railway crews is prohibited. 2) Transportation by limousine is prohibited.

7. Executive Limousine Service (TN2566) (Nickie)

William P. Jones dba Executive Limousine Service, Missoula, Montana, requests that PSC No. 9096 be cancelled effective January 25, 2013.  
Probable Motion: Cancel PSC No. 9096 as requested by the carrier.

Class B - Passengers by limousine service from points in Missoula County to all points and places in the State of Montana and return.  
 Limitations: 1) Transportation is limited to six (6) passengers or less. 2) Transportation as a jitney or taxi is prohibited. 3) All transportation must originate and terminate in Missoula County, Montana. Transportation shall not originate from outside of Missoula County. 4) Transportation shall be provided to passengers by reservation only. Transportation or fares shall not be solicited from the vehicle while it is stopped, standing, or parked. 5) The hiring of the vehicle for transportation must be for the use of the entire vehicle by a single passenger or group of passengers traveling together. The solicitation of individual passengers to constitute a full load is prohibited.

8. Powder River Transportation Services (TN2567) (Nickie)

CUSA PRTS, LLC dba Powder River Transportation Services, Arlington, VA requests that PSC No 8962 be cancelled effective immediately. Probable Motion: Cancel PSC No 8962 as requested.

Class A - Passengers and express freight between Billings, Montana, and the Montana-Wyoming border, along U.S. Interstate 90, serving Hardin, Crow Agency and Lodge Grass.

SUB A Class C - Burlington Northern train crews and their baggage in the same vehicle, between all points and places in the State of Montana.

Limitation: No movements shall originate in Flathead County, Montana unless they are part of round trip movements initially originating outside of Flathead County.

SUB B Class C - Train crews and their baggage between points and places in and west of Carbon, Yellowstone, Golden Valley, Fergus and Blaine Counties, Montana.

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

1. D2008.3.27 – Cut Bank Gas Company and Energy West Incorporated – Joint Application for Approval of Acquisition of Cut Bank Gas Company by Energy West Incorporated – Discuss and act on Cut Bank Gas' request for extension of time to file its general rate case that was a condition of the sale of Cut Bank Gas to Energy West. (2/8/13)
2. D2012.11.116 – CenturyLink and Hypercube Telecom, LLC – Application for Approval of Adoption of the Wireline Interconnection Agreements between Neutral Tandem, Inc. and Qwest Corporation dba CenturyLink QC – Discuss and act on proposed Interconnection agreement. (2/8/13)
3. D2012.1.3 – NorthWestern Energy – Application for Approval of Avoided Cost Tariff for New Qualifying Facilities – NorthWestern Energy's Petition for Judicial Review – Discuss and act on whether to defend all or part of Final Order 7199d. (2/8/13)
4. Placeholder – Organization of MISO States (OMS) Board of Directors Action Items – Discuss any Federal Energy Regulatory Commission (FERC)-related action items (i.e., OMS' staff proposed comments) that may be presented to the OMS Board of Directors for consideration and approval at its regularly scheduled monthly business meeting to be held on February 14th. (2/8/13)
5. LC1416: motor carrier reform bill – Discuss the Commission's position on the draft/bill. (2/8/13)
6. Legislative – Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills. (2/8/13)

7. **2/4/13 at 1:30 p.m.; 2/5/13, 2/6/13 and 2/7/13 at 8:30 a.m.** – Legislative – Discuss bills relevant to PSC mission, statutory authority, administrative process and general agency concerns; consider staff analysis and recommendations; provide direction on PSC response to bills.

### **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. Range Telephone Cooperative D2005.9.141 (Mike)  
Range Telephone Cooperative / Cable & Communications Corporation

Range Telephone Cooperative has filed for approval with this Commission an amendment to the existing interconnection agreement between Range Telephone Cooperative and Cable & Communications Corporation in Docket No. D2005.9.141. The amendment adds terms and conditions relating to ICC VoIP traffic. 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 website at <http://psc.mt.gov>.

1. NorthWestern Energy (NWE) D2012.5.49 (Jason)

On January 15, 2013, Pratt & Whitney Power Systems, Inc. (PWPS) submitted a motion for protective order to protect from disclosure of the warranty claims by NWE concerning PWPS products; PWPS' response to NWE's questions and/or concerns about PWPS products and their performance, including PWPS' response to those warranty claims; technical data and drawings regarding PWPS' products; PWPS' root cause analysis; PWPS' parts repair quotes; PWPS' standard terms and conditions for overhaul and repair of products; and detailed contract pricing information as part of the discovery process.

**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 website at <http://psc.mt.gov>.

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

1. **Qwest Corporation dba CenturyLink QC (Qwest) 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 Avenue, Helena, MT 59601, 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. D2008.1.6, Order No. 6889n, Joint Stipulation).

1.) **Qwest Corporation dba CenturyLink QC/IHC Health Services** – Qwest Corporation dba CenturyLink QC (Qwest) and IHC Health Services have signed a Multi-State Agreement (MSA) for Qwest to provide certain telecommunications services to IHC Health Services.

**New Filings Received in Past Week**

None