

Service Date: June 16, 1980

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

\* \* \* \* \*

IN THE MATTER of the Application	)	
of MONTANA-DAKOTA UTILITIES COM-	)	UTILITY DIVISION
PANY for Authorization For Issuance	)	DOCKET NO. 80.5.16
of Securities.	)	DEFAULT ORDER NO. 4665
<hr/>		

On May 6, 1980, MONTANA-DAKOTA UTILITIES CO., hereinafter referred to as Applicant, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and qualified to transact business in Montana, filed with the Montana Public Service Commission its verified application, pursuant to Title 69, Chapter 3, Part 5, MCA, requesting an order authorizing the security transactions proposed in the Petition. For detailed information with respect to the general character of Applicant's business and the territory served by it, reference is made to its annual report on file with the Commission. Notice of the application was given and no objections or requests for hearing were received.

At a regular open session of the Montana Public Service Commission, held at its offices on June 13, 1980, there came before the Commission for final action the matters in this docket and the Commission, having fully considered the application and all data and records pertaining thereto on file with the Commission and being fully advised in the premises, makes the following:

FINDINGS OF FACT

1. Applicant is a corporation organized and existing under and by virtue of the laws of the State of Delaware and is qualified to transact business in the State of Montana.

2. Applicant is operating as a public utility as defined in 69-3-101, MCA, and as such is engaged in furnishing electric and gas service in Montana.

3. The Commission has jurisdiction over the subject matter of said application under Title 69, Chapter 3, Part 5, MCA.

4. Public notice of the filing of the application and opportunity for a public hearing was published as a legal notice in the following newspapers: The May 20, 1980, edition of the Miles City Star; the May 21, 1980, editions of the Hardin Herald, Sidney Herald and Plentywood Herald; the May 22, 1980, editions of the Fallon County Times, Glasgow Courier, Ranger Review and Billings Gazette. The notice stated that if there were any protests to the application or requests for a public hearing on the application they were to be received by the Commission on or before June 10, 1980. No protests or requests for hearing have been received by the Commission.

5. The securities proposed to be issued are not to exceed 200,000 shares of a new series Preferred Stock A without par value. Petitioner presently does not have any issued and outstanding shares of Preferred Stock A without par value.

6. The proceeds from the issuance and sale of the new series Preferred Stock A will be used to partially repay short-

term borrowings incurred to finance Petitioner's 1980 utility capital requirements.

7. The transactions proposed by Applicant (1) are consistent with the public interest; (2) are for a purpose or purposes permitted under the laws of the State of Montana; and (3) will not result in a situation in which the aggregate amount of the securities outstanding and proposed herein to be outstanding will exceed the fair value of the propoerties and business of the Applicant.

CONCLUSIONS OF LAW

That the application herein complies with Sections 69-3-501 through 69-3-507, MCA, inclusive, and the other laws of the State of Montana as aforesaid and the same should be granted as hereinafter ordered.

ORDER

NOW, THEREFORE, at a session of the Public Service Commission of the State of Montana, held in its offices at 1227 Eleventh Avenue, Helena, Montana, on June 13, 1980, there regularly came before the Commission for final action the application and Petition for the issuance and sale of not to exceed 200,000 shares of Preferred Stock A without par value, and assigned Docket No. 80.5.16, and the Commission being fully advised in the premises;

IT IS HEREBY ORDERED that the application of Montana-Dakota Utilities Co. for authority to issue and sell not to exceed 200,000 shares of a new series Preferred Stock A without par

value is hereby approved and authority is granted. Such issuance and sale may be accomplished by a negotiated sale, competitive bidding or by private placement.

The approval of this security issue shall not be construed as precedent to prejudice any future action of this Commission with regard to any other security issue.

Neither the issuance of securities by Montana-Dakota Utilities Co. pursuant to the provisions of this Order nor any other act or deed done or performed in connection therewith shall be construed to obligate the State of Montana to pay or guarantee in any manner whatsoever any security authorized, issued, assumed or guaranteed hereunder.

Issuance of this Order does not constitute acceptance of the Applicant's exhibits or other material accompany the application for any purpose other than the issuance of this Order.

DONE IN OPEN SESSION at Helena, Montana on June 13, 1980  
by a 3 - 0 vote.

BY ORDER OF THE PUBLIC SERVICE COMMISSION.

*H. B. Bollinger*  
\_\_\_\_\_

*Thomas S. Schneider*  
\_\_\_\_\_

*Clyde James*  
\_\_\_\_\_

ATTEST:

*Madeline L. Cottrill*  
Madeline L. Cottrill  
Secretary

(SEAL)

NOTE: You may be entitled to judicial review of the final decision in this matter. If no MOTION for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this Order. If a Motion for Reconsideration is filed, a Commission order is final for purposes of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. The Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38-2.2(64)-P2750, ARM.