

Service Date: November 6, 1981

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

* * * *

IN THE MATTER of the Application)	UTILITY DIVISION
of MONTANA-DAKOTA UTILITIES CO.)	DOCKET NO. 81.10.88
For Authorization of the Issuance)	DEFAULT ORDER NO. 4856
of Securities.)	

On October 2, 1981, 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 for authority to finance the construction of the Applicant's 20% undivided interest in water pollution control facilities at the Big Stone Station through a financing agreement with Grant County, South Dakota, which provides for the issuance of up to \$3,000,000 principal amount of pollution control revenue bonds by the County and payments by the Applicant of amounts sufficient to pay the principal of, and premium, if any, and interest on the bonds. 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 November 6, 1981, there came before the Commission for final action the matters in this docket and the Commission having fully considered the application and 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 public hearing was published as a legal notice in the following newspapers: The October 14, 1981 editions of the Hardin Herald, Miles City Star, and Plentywood Herald; the October 12 edition of the Sidney Herald; the October 15 editions of the Fallon County Times and the Glasgow Courier and the October 11 editions of the Ranger Review and the Billings Gazette. The notice stated that if there were any protests to the application they were to be received by the Commission on or before November 5, 1981. No protests or requests for hearing have been received by the Commission.

5. The Pollution Control Revenue Bond proceeds will be used to finance Applicant's 20% undivided interest in certain pollution control facilities at Applicant's Big Stone South Dakota Generating Station.

6. 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 properties 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 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 November 6, 1981, there regularly came before the Commission for final action the application for authority to finance the construction of the Applicant's 20% undivided interest in water pollution control facilities at the Big Stone Station through a financing agreement with Grant County, South Dakota, which provides for the issuance of up to \$3,000,000 principal amount of pollution control revenue bonds by the County and payments by the Applicant of amounts sufficient to pay the principal of, and premium, if any, and interest on the bonds, and assigned Docket No 81.10.88, and the Commission's being fully advised in the premises;

IT IS HEREBY ORDERED that the application of Montana-Dakota Utilities Co. for authority to finance the construction of Applicant's twenty percent (20%) undivided interest in water pollution control facilities at the Big Stone Station through a financing agreement with Grant County, South Dakota, providing for the issuance of up to Three Million Dollars (\$3,000,000) principal amount of pollution control revenue bonds by the County and payments by the Applicant of amounts sufficient to pay the principal of, and premium, if any, and interest on the bonds is HEREBY APPROVED and authority is granted.

Neither the issuance of the pollution control bonds, nor the payment of the principal of, and premium, if any, and interest on the bonds 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 pollution control revenue bonds authorized, issued, or guaranteed hereunder.

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

Done at open session at Helena, Montana, on 6th day of November 1981 by a 4 to 0 vote.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

GORDON E. BOLLINGER, CHAIRMAN

CLYDE JARVIS, COMMISSIONER

THOMAS J. SCHNEIDER, COMMISSIONER

HOWARD ELLIS, COMMISSIONER

ATTEST:

Madeline L. Cottrill

Secretary

(SEAL)

NOTICE: 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 purpose of appeal upon the entry of a ruling on that motion, or upon the pass age 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 and Practice and Procedure, esp. 38.2.2 (64) P2750, ARM.