

Service Date: June 28, 1990

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

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IN THE MATTER OF The Application)	UTILITY DIVISION
Of the MONTANA POWER COMPANY for)	
Authority To Establish New Rates)	DOCKET NO. 90.1.1
Required to Implement its Gas)	
Transportation Plan.)	ORDER NO. 5474a

On June 21, 1990 the Public Service Commission (Commission) received Objections to Data Requests from the Montana Power Company (MPC) and the Montana Consumer Counsel (MCC). MPC objected to the following Commission staff data requests filed pursuant to paragraph 4(h) of the Procedural Order in this Docket: PSC-204, 205, 215, 217, 218, 220, 221, 224, 225, 233 (part 2), 237, 239, 242, 245, 251, 253, 268, 271, 272 and 282. MCC objected to MPC data request Nos. 117 and 146, filed pursuant to paragraph 4(h) of the Procedural Order. The Procedural Order in this Docket was issued February 14, 1990.

MPC objects to certain staff data requests on the grounds that the requests are outside the scope of third round data requests as described at paragraph 4(h) of the Procedural Order. MCC objects to MPC data request No. 117 on the grounds that it seeks information regarding positions taken by members of MCC witness Donkin's firm, J.W. Wilson and Associates. Further, MCC objects to MPC data request No. 146 on the grounds that it is beyond the scope of MCC witness Clark's testimony.

With respect to the MPC objections, the Commission refers to paragraph 13 of its Procedural Order which reads in its entirety as follows:

Neither the Commission nor the Commission staff is a party to this proceeding. Commission staff has the rights and responsibilities of parties under Commission rule. See ARM 38.2.601(n). The Commission directs its staff to make every good faith effort to meet the discovery deadlines imposed on parties in this Order. However, the Commission reminds parties to this proceeding that Commission staff, in addition to responsibilities imposed by this Order, has an overriding responsibility to advise the Commission in the furtherance of just and reasonable rates. That responsibility carries with it a duty to ensure that all issues are thoroughly explored on the record. If, after discovery deadlines have passed, and after diligent discovery efforts by parties and Commission staff, certain issues remain unexamined, the Commission reserves the right for its staff to conduct discovery beyond the deadlines contained in this Order. The inability, or the unwillingness, of parties to cooperate with Commission staff in responding to this late discovery may result in a continuance of the scheduled hearing, or in the reservation of certain issues for a future proceeding.

The Commission determines that 18 of the 20 staff data requests objected to seek information that may be required for the staff to properly advise the Commission in this case. The Commission determines that two of the 20 staff data requests objected to seek information that is not required by the staff to advise the Commission in this case.

If answering the data requests by the deadline imposed in the procedural order proves burdensome to MPC, the staff has been delegated authority to amend procedural schedules and will extend that deadline for MPC, if requested, by a reasonable time.

With respect to the MCC objections the Commission determines that data requests to MCC witness Donkin, that request information on positions taken by members of the firm J.W. Wilson and Associates, other than Mr. Donkin, are inappropriate in this

Docket. With respect to MPC data request No. 146, the Commission finds that valuation of gas properties is beyond the scope of MCC witness Clark's testimony.

CONCLUSIONS OF LAW

The Montana Power Company is a public utility as defined in Section 69-3-101, MCA. The Montana Public Service Commission properly exercises jurisdiction over MPC's rates and services pursuant to Section 69-3-102, MCA.

The Commission has authority to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it. § 69-3-103(2)(c).

ORDER

NOW THEREFORE IT IS ORDERED that MPC's objections to staff data requests Nos. 220 and 271 are sustained and MPC is not required to answer those requests. MPC's objections to all other staff data requests at issue are overruled. MCC's objections to MPC data requests Nos. 117 and 146 are sustained and MCC is not required to answer those requests.

DONE AND DATED this 28th day of June, 1990 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

CLYDE JARVIS, Chairman

JOHN B. DRISCOLL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

HOWARD L. ELLIS, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Ann Purcell
Acting Commission Secretary

(SEAL)

NOTE: You may be entitled to judicial review in this matter.
Judicial review may be obtained by filing a petition for review within thirty (30)
days of the service of this order. Section 2-4-702, MCA.