

Service Date: May 13, 1991

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 GREAT FALLS GAS COMPANY for)	
Approval of Changes in Rate)	DOCKET NO. 90.3.20
Structure and Classification of)	
its Montana Customers.)	ORDER NO. 5539b

ORDER GRANTING LATE INTERVENTION

BACKGROUND

Great Falls Gas Company filed its application for approval of changes in rate structure and classification on March 22, 1990. The application was premised upon assumed changes resulting from an outcome in Montana Power Company Docket No. 90.1.1. Because of delays in Docket No. 90.1.1, there were resulting delays in Docket No. 90.3.20.

Montana Consumer Counsel (MCC) and Montana Power Company (MPC) have filed timely petitions for intervention. By Amended Procedural Order No. 5539, persons seeking to intervene after February 4, 1991 must file a petition for the Commission's consideration.

On May 1, 1991 the Montana Public Service Commission (Commission) received a Petition for Late Intervention in this Docket filed by Federal Executive Agencies (FEA) on behalf of Malmstrom Air Force Base (Malmstrom).

FEA is authorized to participate in Commission proceedings pursuant to the Federal Property and Administrative Services Act of 1949, to U.S.C., §§ 481(a)(4) and 486(e).

The opening day of hearing in this Docket is July 9, 1991.

On May 8, 1991 at a duly scheduled public work session the Commission voted 5-0 to grant the intervention.

FINDINGS OF FACT

The Commission finds that Malmstrom is a major customer of Great Falls Gas Company (GFG), paying GFG more than \$1.8 million annually, and therefore has a substantial interest in this proceeding. GFG's application will directly and substantially affect Malmstrom and its operations.

The Commission finds that FEA/Malmstrom's interest may not be adequately represented by other parties to the proceeding. FEA/Malmstrom's participation may assist the Commission in this proceeding and should not unduly broaden the issues or result in any delay or prejudice to any party.

Discussion and Further Findings

Pursuant to ARM §§ 38.2.2403 and 38.2.2405, the Commission may grant a petition for late intervention upon good cause shown. The Commission finds that FEA/Malmstrom has shown good cause for its intervention in this Docket. FEA/Malmstrom has also stated its intentions not to interfere with the procedural schedule or the opening hearing date.

Nevertheless, the Commission cautions FEA/Malmstrom that if it should subsequently appear that the intervenor has no substantial interest in the proceeding or that the public interest will not be served by this intervention, then the Commission may dismiss the intervening party from the Docket, upon notice and a reasonable opportunity to be heard.

Pursuant to ARM 38.2.2405, the original parties to this Docket may request to be heard on this matter. The petition shall be granted as of the date of this order.

CONCLUSIONS OF LAW

The Montana Public Service Commission is invested with full power of supervision, regulation and control of public utilities subject to Title 69, Chapter 3. § 69-3-102, MCA.

The Montana Public Service Commission has general powers to adopt reasonable rules to govern its proceedings and to regulate the mode and manner of hearings of public utilities and other parties before it. § 69-3-103, MCA.

Pursuant to ARM §§ 38.2.2403 and 38.2.2405 the Montana Public Service Commission may grant petitions for late intervention in a hearing if it appears that the petition discloses a substantial interest in the subject matter of the hearing, that participation will be in the public interest, or that the intervention will not unduly broaden the issues in the proceeding.

ORDER

WHEREFORE, The Montana Public Service Commission orders the following:

1. Federal Executive Agencies/Malmstrom Air Force Base's Petition for Late Intervention is granted.
2. Parties shall be afforded an opportunity to be heard on this intervention, upon request.

3. Intervenor Federal Executive Agencies/Malmstrom Air Force Base shall not unduly broaden the issues in this proceeding, nor delay the procedural schedule in this Docket.

DONE AND DATED THIS 8th day of May, 1991 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

Bob Anderson, Commissioner

JOHN B. DRISCOLL, Commissioner

WALLACE C. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.