

Service Date: August 31, 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
by the MONTANA POWER COMPANY for)
Authority to Increase Rates for) DOCKET NO. 90.6.39
Natural Gas and Electric Service.)

IN THE MATTER OF The Application)
Of the MONTANA POWER COMPANY for) DOCKET NO. 90.1.1
Authority To Establish New Rates)
Required to Implement its Gas)
Transportation Plan.) ORDER NO. 5484b

ORDER ON MOTION TO CONSOLIDATE

and

AMENDED PROCEDURAL ORDER

Background

1. On July 27, 1990 the Montana Public Service Commission (Commission) received from the Montana Power Company (MPC) a Motion to Consolidate Gas Specific Issues in Docket No. 90.6.39 into Docket No. 90.1.1 and Suspend Procedural Schedule in Docket No. 90.1.1. By Notice of Commission Action and Notice of Opportunity to Respond (July 31, 1990) the Commission suspended the procedural schedule in 90.1.1 and allowed opportunity for comment on the Motion to Consolidate.

2. MPC states in its Motion to Consolidate that issues in Docket No. 90.1.1 and gas issues in Docket No. 90.6.39 are interrelated and that facts and discussion of those issues should be combined in one proceeding and one record. Further, MPC states that the gas allocated cost of service/rate design filing made in Docket No. 90.6.39 contains information relevant to deciding the issues in Docket No. 90.1.1. Also, MPC states that the updated revenue requirement in Docket No. 90.6.39 should be considered when deciding Docket No. 90.1.1.

3. The Commission received comments in opposition to the Motion to Consolidate from the Great Falls Gas Company, the Montana Oil & Gas Association, and the Shelby Gas Association. Comments in support of the Motion were received from the Department of Natural Resources and Conservation (DNRC) and the Montana Consumer Counsel (MCC). The Shelby Gas Association, the Great Falls Gas Company and the Montana Oil & Gas Association variously object to the Motion to Consolidate on the grounds that consolidation will 1) complicate the original Docket No. 90.1.1, 2) involve new parties with no direct interest in the proposed transportation plan, 3) require the analysis of new issues, 4) create delay causing problems for those gas companies requiring storage for the 1991-92 heating season, and 5) cause parties to Docket No. 90.1.1 burdensome expense.

Decision

4. Though the Commission is sympathetic with certain of the objections to MPC's Motion, it concludes that it is most efficient to process Docket No. 90.1.1 concurrent with the most up-to-date information and analysis on the MPC gas revenue requirement and cost-of-service/rate design. Therefore, the Commission grants MPC's

Motion to Consolidate and rules as follows: 1) The record established in Docket No. 90.1.1 will be merged with the record established for gas only issues in Docket No. 90.6.39. 2) Paragraphs 4(j) through 4(n) of the original Procedural Order in Docket No. 90.1.1 (February 14, 1990) are vacated and the remaining procedural schedule deadlines in Docket No. 90.1.1 are made concurrent with procedural schedule dead lines in Docket No. 90.6.39, as set forth in the amended procedural schedule below; the remainder of the Procedural Order in Docket No. 90.1.1 remains in effect. 3) For purposes of intervention, Docket Nos. 90.1.1 and 90.6.39 remain separate; the Commission will consider late intervention in Docket Nos. 90.6.39 and 90.1.1 pursuant to the guidelines for late intervention set forth in the procedural orders for those Dockets. 4) With respect to those parties to Docket No. 90.1.1 who may be harmed as a result of the delay in processing Docket No. 90.1.1, the Commission will consider proposals for provisional authorization of gas transportation service by MPC pending final disposition of MPC's transportation proposal.

Amended Procedural Schedule

5. The following procedural schedule applies to Docket No. 90.6.39 and Docket No. 90.1.1 and replaces the schedule at paragraph 9, Order No. 5484a, and paragraphs 4(j) through 4(n) of the Procedural Order in Docket No. 90.1.1. The remainder of Order No. 5484a remains in effect. Filings made pursuant to this schedule should indicate the appropriate docket number to which the filing applies. Please note that February 1, 1991 [paragraph 6 (k)] is the final date for filing all cross-answering (intervenor to intervenor) testimony, including, if necessary, testimony in response to

intervenor testimony filed on May 22, 1990 pursuant to paragraph 4 of the original procedural schedule in Docket No. 90.1.1.

Schedule

6. Unless otherwise herein specified, the following schedule shall apply in these Dockets:

- (a) August 15, 1990: Docket No. 90.6.39 -- Final day for timely filing of Petitions to Intervene by persons who are interested in and directly affected by this Docket.
- (b) September 14, 1990: Docket No. 90.6.39 -- Final day for written discovery directed to MPC on its June 27, 1990 filing and on its August 10, 1990 filing on cost-of-service/rate design for its gas utility. (Note: Because of other workload, Commission rate design bureau staff may not meet this deadline. Commission discovery on the August 10, 1990 filing on cost-of-service/rate design will be submitted by October 29, 1990.)
- (c) September 30, 1990: Docket No. 90.6.39 -- MPC filing on cost-of-service/rate design for its electric utility.
- (d) October 8, 1990: Docket No. 90.1.1 -- Final day for service of rebuttal testimony by MPC; final day for service of supplemental testimony and supporting materials by MPC on the disposition of its Canadian-Montana Gas Company and Canadian-Montana Pipeline Company assets; final day for service by MPC of revised and supplemental material and testimony on its marginal cost-of-service study, filed on March 9, 1990 pursuant to

paragraph 4(c) of the initial Procedural Order in Docket No. 90.1.1, including updated (1989) revenue requirement information and modified cost-of-service analysis.

- (e) October 15, 1990: Docket No. 90.6.39 -- Final day for completion by MPC of all answers and responses to written discovery directed to MPC by other parties pursuant to paragraph 6 (b).
- (f) October 29, 1990: Do No. 90.6.39 -- Final day for written discovery directed to MPC on its September 30, 1990 filing on cost-of-service/rate design for its electric utility [paragraph 6(c)]; Docket No. 90.1.1 -- Final day for written discovery directed to MPC on its October 8, 1990 rebuttal and supplemental testimony and supporting materials [paragraph 6 (d)].
- (g) November 19, 1990: Docket Nos. 90.6.39 and 90.1.1 -- Final day for completion by MPC of all answers and responses to written discovery directed to MPC pursuant to paragraph 6(f).
- (h) December 17, 1990: Docket No. 90.6.39 -- Final day for completion and service upon MPC and other parties of the prepared testimony and exhibits of all parties except MPC; Docket No./90.1.1 -- Final day for the completion and service upon MPC and other parties of the prepared testimony and exhibits of all parties that are in response to MPC's October 8, 1990 supple mental testimony and materials [paragraph 6 (d)].

- (i) January 4, 1991: Docket Nos. 90.6.39 and 90.1.1 -- Final day for written discovery directed to all parties by MPC; final day for intervenor discovery to parties other than MPC.
- (j) January 15, 1991: Docket Nos. 90.6.39 and 90.1.1 -- Final day for completion of answers by all parties to written discovery made pursuant to paragraph 6(i).
- (k) February 1, 1991: Docket Nos. 90.6.39 and 90.1.1 -- Final day for completion and service of rebuttal testimony by MPC in response to testimony filed pursuant to paragraph 6(h); final day for service of testimony of parties other than MPC which is in response to testimony filed pursuant to paragraph 6(h), or which is in response to testimony filed pursuant to paragraph 4(g) of the original Procedural Order in Docket No. 90.1.1, dated February 14, 1991.
- (l) February 8, 1991: Docket Nos. 90.6.39 and 90.1.1 -- Final day for written discovery directed to all parties that filed testimony pursuant to paragraph 6(k); such discovery must be directly related to the testimony filed pursuant to paragraph 6(k).
- (m) February 15, 1991: Docket Nos. 90.6.39 and 90.1.1 -- Final day for completion of answers by all parties to discovery made pursuant to paragraph 6(l).
- (n) February 20, 1991: Docket Nos. 90.6.39 and 90.1.1 -- Final day to provide the Commission and parties with a witness list indicating for each Docket,

the sequence that witnesses will be called by the parties at the hearing; final day for any party that intends to introduce evidence, data requests or other discovery as part of its basic case, to notify all parties of the specific data requests or other discovery it plans to so introduce.

- (o) February 25, 1991: Opening day of hearing in Docket No. 90.1.1, followed by hearing on gas issues in Docket No. 90.6.39, electric issues in Docket No. 90.6.39, and electric and gas common issues in Docket No. 90.6.39. (Because the hearing in these Dockets may take several weeks to complete, the Commission, after consulting with the parties, may schedule an extended recess between parts of the hearing.)

DONE AND DATED THIS 28th day of August, 1990 by a vote of 5 – 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

HOWARD L. ELLIS, Chairman

DANNY OBERG, Vice Chairman

JOHN B. DRISCOLL, Commissioner

REX MANUEL, Commissioner

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)