

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

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IN THE MATTER OF MONTANA POWER) UTILITY DIVISION
COMPANY, Complaint by PALADIN)
ASSOCIATES, INC., Concerning) DOCKET NO. 92.9.49
Natural Gas Transportation Service)
and Capacity.) ORDER NO. 5678

ORDER DISMISSING COMPLAINT WITHOUT PREJUDICE

INTRODUCTION

1. On September 1, 1992 Paladin Associates, Inc. (Paladin), filed a complaint before the Montana Public Service Commission (PSC) against Montana Power Company (MPC). The complaint alleged a number of illegal acts by MPC in regard to MPC's natural gas transportation services.

2. The PSC issued a Notice of Complaint to MPC on September 11, 1992. On October 2, 1992 MPC filed a Motion to Dismiss several elements of Paladin's complaint and a Motion for More Definite Statement on other elements.

3. Paladin then asked for, and received, several reasonable extensions of time to file a response to MPC's motions. Paladin did not file a response, but instead, on November 17, 1992, filed a letter requesting that the PSC stay the entire proceeding indefinitely, pending the outcome of a MPC Federal Energy Regulatory Commission proceeding that might address many of the issues.

4. On November 27, 1992 MPC filed another motion requesting that the PSC not stay the proceedings, but dismiss the matter without prejudice. MPC argued that the complaint's unsupported allegations and insinuations would then not have any real effect as matters of record and, because Paladin's complaint needed amendment or more definite statement in any event, it would be otherwise unnecessary for the complaint to remain pending.

5. On December 9, 1992, Paladin, by letter, filed a consent that its complaint be dismissed without prejudice.

ORDER

1. Good cause appearing, IT IS HEREBY ORDERED that the September 1, 1992, Complaint filed by Paladin Associates, Inc., be DISMISSED WITHOUT PREJUDICE.

Done and Dated this 14th day of December, 1992, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DANNY OBERG, Chairman
WALLACE W. "WALLY" MERCER, Vice Chairman
BOB ANDERSON, Commissioner
JOHN B. DRISCOLL, Commissioner
TED C. MACY, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

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