

Service Date: November 5, 2001

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

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IN THE MATTER OF VIGILANTE ELECTRIC )	UTILITY DIVISION
COOPERATIVE, INC., and MONTANA )	
POWER COMPANY, Application for Approval )	DOCKET NO. D2001.9.126
of an Exclusive Service Agreement )	ORDER NO. 6384

FINAL ORDER

On August 24, 2001, pursuant to Montana's Territorial Integrity Act (for electric suppliers), §§ 69-5-102 through 69-5-112, MCA (Act), Montana Power Company (MPC) and Vigilante Electric Cooperative, Inc. (Vigilante), filed before the Public Service Commission (PSC) an application for approval of an exclusive service agreement. The agreement establishes the rights of each (MPC and Vigilante) to provide electric service to the exclusion of the other in certain areas in or near the Flint Creek Estates, Silver Bow County, Montana. The agreement involves no exchange or transfer of either provider's existing customers.

On September 28, 2001, the PSC issued a public notice (Notice of Opportunity for Hearing) on the application, with a response date of October 25, 2001. No request for hearing has been received. No comment on the matter has been received.

MPC is a public utility providing service in or near the area affected by the agreement. Vigilante is an electric cooperative providing service in the area affected by the agreement. Both are electric facilities providers in accordance with the Act. The agreement clearly presents the terms and conditions, the geographical area affected, and the division of that area into exclusive service territories. The agreement is therefore in accordance with § 69-5-112(1)(a) and (b), MCA. There is no apparent reasonable likelihood that the agreement will cause a decrease in the reliability of electric service to the providers customers and the agreement is reasonably likely to eliminate existing or potential uneconomic duplications of electric service facilities. The agreement is therefore in accordance with § 69-5-112(3)(a) and (b). The agreement is in compliance with the Act.

IT IS HEREBY ORDERED that the February 17, 2000, exclusive service agreement between MPC and Vigilante, as submitted August 24, 2001, for approval by the PSC, is approved.

Done and dated this 30th day of October, 2001, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
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.