

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

\* \* \* \* \*

**IN THE MATTER OF** the Application of )  
**UTILITY SOLUTIONS, LLC** to )  
Implement Initial Rates and Charges )  
for Water Services in its Elk Grove )  
Subdivision, Gallatin County, Montana )  
Service Area )

**UTILITY DIVISION**

**DOCKET NO. D2005.11.163**

**Consolidated with**

**IN THE MATTER OF** the Application of )  
**UTILITY SOLUTIONS, LLC** to )  
Implement Initial Rates and Charges )  
for Wastewater Services in its Elk )  
Grove Subdivision, Gallatin County, )  
Montana Service Area )

**UTILITY DIVISION**

**DOCKET NO. D2005.11.164**

**AFFIDAVIT OF BARBARA CAMPBELL**

STATE OF MONTANA )  
 )  
COUNTY OF GALLATIN )

ss.

Barbara Campbell, being duly sworn upon her oath, deposes and says:

1. I am the President of Double Tree, Inc., which is the manager of Utility Solutions, LLC, the Applicant in this docket.

2. On June 21, 2005, I appeared before the Gallatin County Commissioners in support of an application by Valkyrie, LLC for modification of subdivision conditions. Montana Public Service Commissioner Vincent was then one of the County Commissioners for Gallatin County.

3. Prior to the County Commissioners voting on the Valkyrie application, then County Commissioner Vincent announced that I was not to be trusted. His attempted justification of his extremely personal attack upon my honesty was that he had heard bad things about me from people in Mineral and Fergus counties.

4. The nature of his personal attack was so shocking and extreme that three different Bozeman attorneys (including my own) wrote letters to him demanding that he either substantiate his wild accusations, or issue a public apology. Their letters to him are attached to my affidavit as Exhibits 1, 2 and 3. The incident was front page news in the Bozeman area, and may have contributed to his loss in an election the next year for a seat in the Montana House of Representatives. A copy of a front page article in the June 22, 2005, Bozeman Chronicle is attached to my affidavit as Exhibit 4.

5. Commissioner Vincent neither substantiated his wild accusations against me, nor apologized for his conduct. To this day, I have no understanding of why he did what he did.

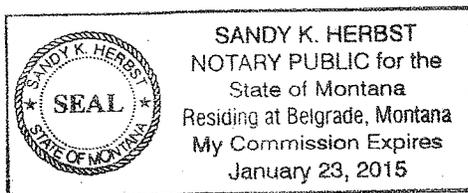
6. When Commissioner Vincent became a Montana Public Service Commissioner, while this docket was pending, I hoped his misconduct towards me was a thing of the past. However it is clear from his conduct in this docket that it is not a thing of the past. Based upon what he has done in this docket to date, I believe he has a clear and unmistakable bias against me and my company, one which should disqualify him from participating in this docket.

FURTHER AFFIANT SAYETH NOT.

  
Barbara Campbell

SIGNED AND SWORN TO before me this 19<sup>th</sup> day of October 2011, by  
Barbara Campbell  
State of Montana  
County of Gallatin

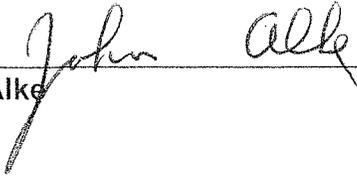
  
(type or print name) Sandy K Herbst  
NOTARY PUBLIC FOR THE STATE OF Montana  
Residing at Belgrade, MT  
My Commission Expires: January 23, 2015



CERTIFICATE OF SERVICE BY MAIL

I HEREBY CERTIFY that a copy of the foregoing AFFIDAVIT OF BARBARA CAMPBELL was served upon the following by mailing a true and correct copy thereof on October 19<sup>th</sup>, 2011, addressed as follows:

MONTANA CONSUMER COUNSEL  
P O BOX 201703  
HELENA MT 59620-1703

  
\_\_\_\_\_  
John Alke

Stephen M. Barrett  
P.O. Box 10969  
Bozeman, MT 59771-0969  
Tel. 406-556-1430 Fax 406-556-1433  
Email sbarrett@crowleylaw.com

June 21, 2005

John Vincent  
Gallatin County Commissioners  
311 W. Main, Room 306  
Bozeman, MT 59715

HAND DELIVERED

Re: June 21, 2005 Commission Meeting

Dear John:

Your comments regarding Ms. Barb Campbell made during the course of today's meeting were unfair and inappropriate. Through innuendo and suggestion you made damaging comments about Ms. Campbell without providing any detail, explanation, or opportunity for her to even comment.

I have known and respected you as a legislator, councilman, commissioner and teacher for many years, and find it disappointing to see you abandon the principles on which you based your career. Publicly attacking someone with unnamed and unverified allegations is beneath your dignity. You know better, and we, the citizens of this County, deserve better. I ask that you apologize to Ms. Campbell with the same level of publicity as you made these charges.

Sincerely,



Stephen M. Barrett

CC:

Barbara Campbell  
Joseph Skinner  
William Murdock

WILLIAMS & JENT, PLLP  
ATTORNEYS AT LAW  
506 EAST BARCOCK STREET  
BOZEMAN, MONTANA 59715

**COPY**

MATTHEW W. WILLIAMS  
LARRY JENT

(406) 586-1070

FAX (406) 586-4648

Mr. John Vincent  
Gallatin County Commissioner  
311 W. Main, Room 306  
Bozeman, MT 59715

Re: Commission Hearing, June 21<sup>st</sup>, 2005

Dear Mr. Vincent,

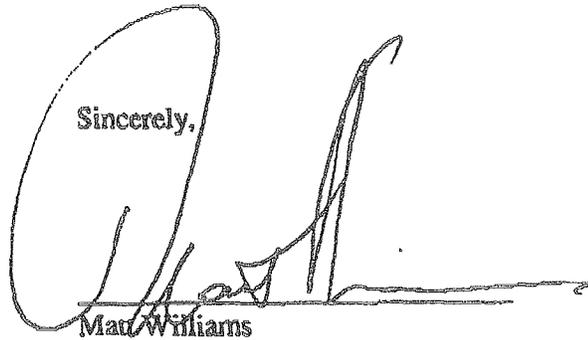
After wrestling with my conscience for the last two hours, I find that I cannot avoid registering in a formal manner my profound disgust with the character of the comments that you made in the course of abstaining from voting on the recent application by Valkyrie, LLC for a modification of conditions. They are beneath the integrity you have exhibited in the past, and that required of a County Commissioner in Gallatin County, Montana.

The matters that are entrusted to you in your official capacity necessarily require that you ignore innuendo, speculation, or political intrigue. Only in this fashion can the truth that is vital to a full expression of the public interest find expression. Throughout the course of my appearances before the Commission, I have relied upon the open and free exchange of viewpoints and facts presented to the Commission to achieve this end, without worrying about the Commission relying instead on some unspecified misstatement or misrepresentation that I have come across generally in the course of attempting to fulfill the Commission's dictates near Four Corners. Accordingly, I have deliberately refrained from engaging the Commission in correcting obvious misstatements or misrepresentations that I know have likely come to your attention as citizens of this County, where these misstatements or misrepresentations were not presented directly to the Commission in a formal hearing.

These rules it seems to me are necessary to fulfill the tasks you have been entrusted with by the citizens of this County. They should apply with even a more compelling force when something as important as a person's reputation is a stake. To call into question a person's character by the backhanded mechanism of resorting to unspecified allegations from unspecified sources, all the while noting that you have no knowledge of whether these allegations are truthful, in my mind completely abdicates this central framework. Just as you should be outraged should I imply that a Commissioner's character is suspect based on unspecified allegations, so also does the common decency that informs that sense of outrage demand that you ignore unsubstantiated rumors or innuendo as to the characters of those appearing before you.

Through your long experience in teaching history to the students of the this Valley, I know that you have come across instances in which to our government's enduring shame we have failed to accord people the basic fairness of notice of claims made against one and the right to confront those charges. These principles so central to our most rudimentary sense of fairness should apply with especially fervent force to matters that relate directly to a person's reputation. It is, after all, decidedly difficult to remedy charges against one's character that are unsupported and unspecified. If you have no information as to the truthfulness of the allegations apparently brought to you by unspecified sources, it is inappropriate for you to rely on these allegations in answering to your duties as a public official. If you have information that such charges have substance and relate directly to a matter at issue before the Commission, it is likewise your duty to inform those who may be affected by such charges of the nature and source of such allegations, and afford those persons the right to be heard on such allegations.

Your actions today betrayed these fundamental principles, and in my mind have no place in any conscientious attempt to fulfill the obligations you accepted from the citizens of this county as a County Commissioner.

Sincerely,  
  
Matt Williams

Joseph Skinner  
William Murdock  
Marty Lambert  
Jennifer Magic

BC: Barb Campbell  
John Kaufman

KASTING, KAUFFMAN & MERSEN, P.C.  
A T T O R N E Y S A T L A W

KENT M. KASTING  
JOHN M. KAUFFMAN  
JANE MERSEN  
DENNIS L. MUNSON

 716 SOUTH 20th AVENUE, SUITE 101  
BOZEMAN, MONTANA 59718  
TEL: (406) 586-4383 FAX: (406) 587-7871  
E-MAIL: kkm@kkmlaw.net

June 21, 2005

**BY HAND**

John Vincent  
Gallatin County Commissioners  
311 W. Main, Room 306  
Bozeman, MT 59715

Re: June 21, 2005 Gallatin County Commission Meeting - Northstar Subdivision

Dear Mr. Vincent:

Today you claimed that you had information from Fergus and Mineral Counties that Barbara Campbell was not truthful. You made this claim without taking any steps to substantiate your information and acknowledged the same in public. Your reckless disregard for the truth or decency has single-handedly resurrected McCarthyism in Montana.

Ms. Campbell's company, Double-Tree, Inc. has completed many successful projects throughout the State of Montana since Double-Tree was formed in 1977, including several projects in Fergus County and one in Mineral County. She is not aware what would substantiate your mean-spirited allegations or how they could be relevant to the matters before the Commission. All of the projects she has done in these counties were monitored by state and federal funding sources without any such findings. You have taken steps to ruin a person's reputation without affording her the decency of even looking into the truth.

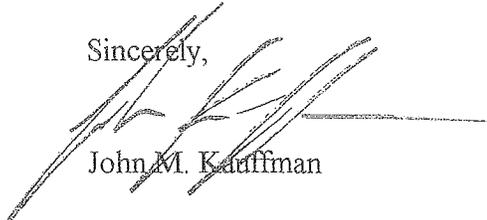
On behalf of Ms. Campbell I demand that you provide me both the source of the information that led you to impugn her reputation and the exact nature and character of these allegations. I also formally request that the Gallatin County Commission set the matter for a public hearing next week. At the hearing you may, of course, present the evidence that you think substantiate your allegations. Given the nature of your allegations, I must be given the right to cross examine the source of these accusations, as well as present evidence on her behalf. If you have no such information, I request that you put your pride aside and make a public apology to Ms. Campbell.

Your conduct was not in the public interest as you admitted you had not checked the veracity of the allegation before broadcasting it. You have abdicated your responsibility as a neutral decision maker in favor of self-promotion and in the process taken steps to ruin someone's

John Vincent  
June 21, 2005  
Page 2

reputation and her family. Have you no shame. While you prepare to take the next appropriate step as requested above, Ms. Campbell will prepare for the same.

Sincerely,



John M. Kauffman

c: Barbara Campbell  
Joseph Skinner  
William Murdock  
Marty Lambert  
Bozeman Daily Chronicle  
Jennifer Madgic  
Matthew Williams  
John Brown

**FORCING THE ISSUE:** Pistons win in San Antonio to set up a Game 7/page B1

**GARDEN VARIETY:** Annual garden tour features both rural, urban layouts/page D1

Bozeman  
Daily

# Chronicle

Bozeman, Montana

WEDNESDAY, JUNE 22, 2005

50 Cents

## Official accused of slandering developer

By **NICK GEVOCK**  
Chronicle Staff Writer

The attorney for a developer accused County Commissioner John Vincent of being "single-handedly resurrected McCarthyism in Montana" for comments he made during a Tuesday public hearing.

Bozeman attorney John Kauffman, who represents Northstar subdivision developer Barb Campbell, said in a let-

**"If I misspoke, if an apology is in order, then I'll face the music and I'll apologize publicly."**

— Gallatin County Commissioner John Vincent

ter Tuesday that Vincent slandered his client when Vincent claimed he had information from Fergus and Mineral counties that Campbell had not been truthful regarding projects she worked on there.

"You have taken steps to ruin per-

son's reputation without affording her the decency of even looking into the truth," Kauffman wrote in a letter to Vincent. "Have you no shame?"

Vincent said Tuesday afternoon he had also received a letter from attorney Steve Barrett, who attended the hear-

ing, chastising him for his comments. Vincent would not comment on the substance of either letter, but said he was reviewing his comments.

"If I misspoke, if an apology is in order, then I'll face the music and I'll apologize publicly," Vincent said. "I'm a harsh critic of myself and if I was out of line I'll admit it."

Campbell is developing two large subdivisions at Four Corners and is building a water and sewer system there for a separate utility company. She has

been involved in a company called Double Tree, Inc. since 1977 that has built water and sewer systems throughout the state, including in Fergus and Mineral counties.

She came before the commission Tuesday seeking changes to the initial conditions on the Northstar subdivision, a commercial and residential development with 417 lots along Norris Road at Four Corners.

(More on Slander, page A12)

### Slander / from page A1

Commissioners held up the changes two weeks ago because they said they disapproved of a large drainfield that had been moved into the middle of the subdivision.

The drainfield didn't even come up Tuesday, as commissioners focused on a list of small changes, such as striping of

roads and phasing the subdivision.

Vincent abstained from a vote on the changes, while Commissioners Bill Murdock and Joe Skinner voted for them.

In his letter, Kauffman demanded that Vincent present whatever evidence he had that Campbell had been dishonest

and hold a public hearing on the matter so the source could be cross examined.

If Vincent can't produce a source, he should apologize publicly to Campbell, Kauffman said.

"Your reckless disregard for the truth or decency has single-handedly resurrected

McCarthyism in Montana," he wrote. "You have abdicated your responsibility as a neutral decision maker in favor of self promotion and in the process taken steps to ruin someone's reputation and her family."

Nick Gevock is at [ngevock@dailychronicle.com](mailto:ngevock@dailychronicle.com)