

Minutes.....April 3, 2000 10:00 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, April 3, 2000, the following members were present:

Dave Fisher, Chairman  
Bob Anderson, Commissioner  
Gary Feland, Commissioner

Commissioner McCaffree was absent and did not vote on the following items. Commissioner Rowe was at the ROC Meeting in Omaha, Nebraska but left his votes with the Commission Secretary.

APPEARANCE  
Dan Elliott, Administrator  
Utility Division

(140) In the matter of Sprint Communication Company – Docket No. N2000.3.37 – On March 16, 2000, Sprint filed tariff pages to introduce; Sprint 1000 Nights Option B, Sprint 1000 Night Option A, Sprint 1000 Weekends Option B, Grandfather Sprint 1000 Weekends Option A toll free usage, Rename Sprint 1000 to Sprint 1000 Weekends Option A, and make miscellaneous text changes. Commissioner Feland moved to approve the tariff filing. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

APPEARANCE  
Wayne Budt, Administrator  
Transportation & Centralized Services Division

(141) In the matter of T-00.3.PCN - On March 7, 2000 the application of Duane Murray dba Country Home, Malta, Montana was re-noticed to clarify wording. The application was originally noticed in February with the word ‘patients’; the application read ‘passengers’. No protests were received and staff recommends the grant of this authority.

Class B – Non-emergency medical passengers between all points and places in the State of Montana. LIMITATION: All transportation movements must originate or terminate in Phillips County, Montana.

Commissioner Feland moved to approve the granting of the authority. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(142) In the matter of TN2026 - Clark’s Tours, Inc., Red Lodge, Montana requests permission to continue the lease of PSC No. 9388 to Michael J. Vick and Nancy E. Immel dba Red Lodge Shuttle, Red Lodge, Montana for a twelve month period, April 15, 2000 to April 15, 2001.

Class B - Persons and baggage (1) between all points and places in Carbon County, Montana; and (2) between all points and places in Carbon County, Montana on the one hand and on the other hand all points and places in the State of Montana.

Commissioner Feland moved to continue the lease for a period of one year. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

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10:00 a.m.

APPEARANCE  
Laura Calkin  
Centralized Services

(143) In the matter of the approval of Commission Minutes for the weeks of March 13, March 20, and March 27, 2000. Commissioner Feland moved to approve the Minutes. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 4, 2000

9:00 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, April 4, 2000 the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Bob Anderson, Commissioner (via telephone)  
Gary Feland, Commissioner  
Bob Rowe Commissioner

APPEARANCE

Denise Peterson, Eric Eck, Will Rosquist

(144) In the matter of the Commission's discussion of MPC – Tier 2 – Reconsideration – Docket No. D97.7.90; Commissioner Rowe moved to deny the Motion for Reconsideration. Commissioner McCaffree seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson

(145) In the matter of the Commission's discussion of Energy West Tracker – Montana Consumer Counsel motions – Docket No. D99.10.243; Commissioner Anderson moved to accept the staff recommendations: a) April 6, 2000, discovery on EWM rebuttal; b) April 13, 2000, responses by EWM; c) April 20, 2000, additional testimony by MCC; d) April 27 2000, discovery on additional testimony by MCC; e) May 4, 2000, response by MCC; f) May 11, 2000, prehearing memos; g) May 29,2000, or as soon thereafter as possible, hearing with live rebuttal by EWM. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Janet Ellis, Kate Whitney

(146) In the matter of the Commission's discussion of Customer Definition – Docket No. L-00.1.1-RUL; Commissioner Rowe moved to adopt the amendment to the Definition of Customer. Commissioner Anderson seconded the motion, which passed 4-1. Commissioners Fisher, McCaffree, Anderson and Rowe voted aye. Commissioner Feland dissented.

APPEARANCE

Robin McHugh, Mike Lee, Scott Fabel

(147) In the matter of the Commission's discussion of Ronan Telephone – Reciprocal Compensation Tariff Filing – Docket No. D2000.1.14; Commissioner Rowe moved to sustain the objections to data responses and confine the case to the reciprocal compensation tariff, excluding ICB (Individual Case Base) and the detariffing. \*RTC's Objections to MCC's (date request 2) and RTC's Objections to Montana Wireless (data request 4). Commissioner Feland seconded the motion, which passed unanimously. Commissioner Rowe moved to require Ronan to file their 1998 Annual Report at the same time as their 1999 Annual Report (on or before April 31- no later). Commissioner Feland seconded the motion, which passed unanimously.

APPEARANCE

Minutes.....April 4, 2000

9:00 a.m.

Robin McHugh, Wayne Budt

(148) In the matter of the Commission's discussion of First Class Limousine, application for PC&N – Docket T-00.42.PCN; Commissioner McCaffree moved to appoint Robin McHugh as Hearing Examiner for the April 10, 2000 hearing in Kalispell. Commissioner Feland seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 5, 2000

1:30 p.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Wednesday, April 5, 2000 the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Bob Anderson, Commissioner  
Gary Feland, Commissioner  
Bob Rowe Commissioner

APPEARANCE

Robin McHugh, Wayne Budt

(149) In the matter of the Commission's discussion of First Class Limousine, Inc.'s application for PC&N – Docket T-00.42.PCN; Commissioner Rowe moved to rescind the April 4, 2000 appointment of Robin McHugh as Hearing Examiner, vacate the April 10, 2000 hearing in Kalispell, deny the applicants motion as moot and requested staff to reschedule the hearing. Commissioner Feland seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 10, 2000 10:00 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, April 10, 2000, the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Bob Anderson, Commissioner  
Gary Feland, Commissioner

Commissioner Rowe was in Washington, D.C. testifying before the Senate, but left votes with the Commission Secretary.

APPEARANCE

Dan Elliott, Administrator  
Utility Division

(150) In the matter of US WEST Docket N2000.3.41- On March 23, 2000, US WEST filed Tariff Transmittal 00-10 "DSS/UAS Promotion. During the promotional period from April 17, 2000, through June 30, 2000, business customers who subscribe to a Rate Stabilized Agreement for Advanced Digital Switched Service or Uniform Access Solution service will receive a waiver of the non-recurring charges associated with DSS Advances or UAS DSI and DSS Advanced trunk or UAS Network Connection charges. The waiver is available on services ordered during the promotional period and installed prior to October 1, 2000. Commissioner McCaffree moved to approve the tariff filing. Commissioner Feland seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(151) In the matter of U S WEST Communication, Inc. N2000.3.42; On March 23, 2000, U S WEST filed tariff transmittal 00-11, "800 Service Line Promotion". Business customers who subscribe to 800 Service Line Option will receive an \$18.00 credit on their bill. This promotion is scheduled to run from April 17, 2000 through June 30, 2000. Commissioner McCaffree moved to approve the tariff filing. Commissioner Feland seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(152) In the matter of MOUNTAIN WATER COMPANY DOCKET NO. N2000.3.30; On March 2, 2000, Mountain Water Company filed a request to deviate from its tariff for a proposed Main Extension Agreement with the United States Army Corp of Engineers. Mountain Water requests deviation from Rule 1 in two significant respects: (1) it is a fixed price agreement; (2) it has no refunding provisions. The request is made pursuant to Mountain Water's requirement to receive prior Commission approval to deviate from its Main Extensions Tariff as shown in Rule 1, Applicability Section A, Part 1. Commissioner McCaffree moved to approve the request to deviate from the tariff. Commissioner Feland seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(153) In the matter of T-00.30.OTSC; An Order to Show Cause was issued to Victor I. Pizzola dba Valley Taxi, Hamilton, Montana on March 16, 2000 for failure to complete compliance requirements for authority granted in Docket T-98.32.PCN under Final Order No. 6469 and Order on Reconsideration 6469a. The Order to Show Cause was sent by certified mail and received by the carrier on March 17,

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2000. The required compliance has not be submitted. This item was deferred from the agenda of April 3, 2000 to allow the motor carrier additional time, no compliance has been received.

Class B – Non-emergency medical and psychiatric patients between all points and places in Ravalli and Missoula counties, Montana for medical appointments. LIMITATION: (1) All transportation must originate or terminate in Ravalli County. (2) Operations within Missoula County are limited to those from one medical appointment or provider to another medical appointment or provider as part of a movement originating or terminating in Ravalli County.

Commissioner Feland moved to cancel T-98.32.PCN. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(154) In the matter of T-00.26.ST - On February 25, 2000 an application for sale and transfer of PSC No. 321 from Bernard P. Harrington dba City Taxi, Butte, Montana to Daniel P. McCaul dba Dial-A-Ride, Butte, Montana was received. The application was noticed to the public on March 7, 2000. On April 5, 2000 a written request to withdraw the application and close the docket was received from the Transferee, Daniel P. McCaul dba Dial-A-Ride.

Class B - Persons, in the City of Butte, Montana and to or from points not exceeding fifty (50) miles of Butte, Montana. Limitations: Regular or scheduled service as a jitney or bus is prohibited on or over any route.

SUB A Class C - Air freight, between the Butte Airport and points and places within the City of Butte, Montana and an area of ten (10) miles.

Commissioner McCaffree moved to allow the withdrawal of the application and to close the docket. Commissioner Feland seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(155) In the matter of TN2009 - City of Cut Bank, Cut Bank, Montana as lessee of PSC No. 9412, requests a second thirty (30) day extension of time in which to meet compliance under the lease with Bayside Disposal, Inc. dba Disposal Service of Montana, Lewistown, Montana. Compliance was due on April 12, 2000 and the lessee requests until May 11, 2000.

Class D - Refuse, meaning all putrescible and non-putrescible solid wastes, garbage, rubbish, street cleanings, dead animals, yard clippings, solid market wastes, solid industrial wastes, liquid wastes, and any other abandoned waste, between all points and places within the city of Cut Bank, Montana and an eleven (11) mile radius thereof. Carrier is authorized to transport authorized commodities to certified landfills from territory authorized.

Commissioner Feland moved to approve the 30-day extension of time. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(156) In the matter of T-00.25.PCN TA - The Town of Terry requests a ninety (90) day extension to the temporary operating granted to them and issued under PSC No. 9416. The temporary authority expires on April 13, 2000.

Class D – Garbage between all points and places within five (5) air miles on both sides of

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Interstate 94, beginning at the end of the frontage road in Custer County, approximately twenty-six (26) miles west of Terry, Prairie County, Montana, continuing through Prairie County and ending at the eastern boundary of Prairie County, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. LIMITATION: Service north of the Yellowstone River is prohibited until the interstate highway crosses the Yellowstone River just north of Fallon, Prairie County, Montana.

Commissioner Feland moved to grant the 90-day extension. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(157) In the matter of TN2027 - Ken Yachechak dba Meridian Mayflower, Kalispell, Montana requests permission to lease PSC No. 9367 to Meridian Moving and Storage, Inc., Trego, Montana for a six month period, April 10, 2000 to October 10, 2000.

Class C - Property in the City of Kalispell, Montana, and within a radius of ten (10) miles thereof. Limitations: Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

Commissioner Feland moved to approve the lease of PSC No. 9367 for a six month period. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(158) In the matter of TN2028 - Montana Tariff Bureau, Agent, on behalf of its members Two Shews, Inc. dba Billings Yellow Cab, Billings, Montana and Mark Foos dba City Cab, Billings, Montana requests a fuel surcharge to be added to Passenger Tariff No. 3, pursuant to 38.3.3601 ARM. The surcharge is requested in the amount of \$.25 per fare effective April 11, 2000 and expiring on July 10, 2000. This fuel surcharge will impact passenger operations in the Billings, Montana area. Justification supports an increase of \$.20 per fare.

However, the request for \$.25 is based on the following: "1) Cab drivers are most vulnerable while making change for a fare. Tripling the number of coins a driver would have to carry and manage while making change will lengthen the time and complexity of this process and make him/her vulnerable to theft or violence. 2) Fares have always been traditionally in quarter increments, the public expects this and, based on prior experience, will complain heartily about making "nickel & dime" change. 3) Cash audits involving dollar increments of less than quarters will increase driver and accounting labor costs dramatically. 4) All of the above will have an negative impact on our service to the public."

Commissioner McCaffree moved to approve the request for a \$.25 cent surcharge. Commissioner Feland seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

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10:00 a.m.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 11, 2000

9:00 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, April 11, 2000 the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Bob Anderson, Commissioner  
Gary Feland, Commissioner

Commissioner Rowe was in Washington, D.C. testifying before the Senate, but left votes with the Commission Secretary as noted.

APPEARANCE

Martin Jacobson, David Burchett

(159) In the matter of the Commission's discussion of Energy West Tracker – Docket No. D99.10.243; Commissioner Anderson moved to allow the testimony of Tim Cullitan. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner Rowe left his proxy to Commissioner Anderson who voted him aye.

APPEARANCE

Robin McHugh, Mike Lee, Kate Whitney

(160) In the matter of the Commission's discussion of Pathnet Interconnection Agreement – Waiver of Tariff Filing, Docket Nos. N2000.3.36 and D99.12.286; Commissioner McCaffree moved to waive the tariff filing (N2000.3.36) under 69.3.805(1)(e) for all CLEC's, pending a rule making proceeding on this matter. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner McCaffree moved to grant Pathnet's request (D99.12.286) for waiver under 69.3.805(e). Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe voted aye on both motions.

Commissioner McCaffree moved to require the filing of annual reports from CLEC's until such time as the Commission has concluded that there is no information needed. Motion dies for lack of second.

APPEARANCE

Robin McHugh, Jay Driscoll, Dave Burchett

(161) In the matter of the Commission's discussion of US West – Competitive Response Tariff – USW's Motion for Reconsideration; Commissioner Anderson moved to grant the Motion for Reconsideration in part, (waive the 10-day rule), notice the matter for hearing and rescind the PSC's earlier decision. Commissioner Feland seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

APPEARANCE

Kate Whitney, Vicki Nelson, Tina Shorten

(162) In the matter of the Commission's discussion of US West's – Busy Signal in Billings with Continuous Redial – Follow-up to Chairman's letter; Commissioner McCaffree moved to require USWC to send a sign-up card (opt-in) with the promotional offer to its customers. Motion died for lack of a second.

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9:00 a.m.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCaffree, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 12, 2000

9:00 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Wednesday, April 12, 2000 the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Bob Anderson, Commissioner  
Bob Rowe Commissioner (via telephone)

Commissioner Feland was absent and did not voted on this item.

APPEARANCE

Robin McHugh, Denise Peterson, Will Rosquist, Dan Elliott

(163) In the matter of the Commission's discussion of whether to ask the Governor to include the question of PSC jurisdiction in the special session call; Commissioner Anderson moved to support the Legislature clarifying the PSC's authority over MPC's sale of its utility facilities. Commissioner McCaffree seconded the motion, which passed 4-0.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 17, 2000

10:00 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, April 17, 2000, the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Bob Anderson, Commissioner  
Gary Feland, Commissioner  
Bob Rowe Commissioner

APPEARANCE

Dan Elliott, Administrator  
Utility Division

(164) In the matter of US WEST Docket No. N2000.4.46 - On March 30, 2000, US WEST filed Tariff Transmittal 100-15, "Power Lines" promotion. This is a promotional addendum for a NONUTILITY Incentive associated with Access lines. This is a limited promotion scheduled from May 1, 2000 through June 30, 2000. The target group is small business customers in Montana, customers who subscribe to additional lines will receive gift certificates of up to \$50.00. Commissioner McCaffree moved to approve the tariff filing. Commissioner Feland seconded the motion, which passed unanimously.

(165) In the matter of US WEST Docket N2000.4.44 - On March 30, 2000, US WEST filed Tariff Transmittal 00-13, "Super Savings Non-Recurring Change in CustomChoice and ValueChoice Packages". The proposed modification eliminates the \$3.00 non-recurring charge for residential customers who subscribe to the calling plan and also subscribe to CustomChoice or ValueChoice packages. Commissioner Rowe moved to approve the tariff filing. Commissioner McCaffree seconded the motion, which passed unanimously.

(166) In the matter of US WEST Docket N2000.4.45 - On March 30, 2000, US WEST filed Tariff Transmittal 00-14, "800 ServiceLine Price Changes" to modify the pricing for 800 ServiceLine. The hourly rate is reduced from \$7.20 to \$6.00 and the monthly rate is changed from \$3.00 to \$5.00. US WEST states the proposed pricing changes will make the product more attractive for Montana customers. In the matter of Commissioner Feland moved to approve the tariff filing. Commissioner McCaffree seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(167) In the matter of T-00.27.ST -On February 25, 2000 Ron and Debbie Kindsfather dba Limo Scene Limousine Service, Billings, Montana filed an application to transfer PSC No. 8949 to Ron Kindsfather dba Limo Scene Limousine Service, Billings, Montana.

Class B - Passengers between all points and places within a 200 mile radius of Billings, Montana. Limitations: (1) Transportation must originate a) in Yellowstone County or b) within a fifty (50) mile radius of Billings, Montana. (2) Transportation is limited to luxury limousine service only. (3) transportation is restricted to twelve (12) passengers or less. (4) Transportation of Burlington Northern crews is prohibited. (5) Transportation as a bus, jitney or taxi is prohibited. (6) Service is restricted to that provided by reservations made at least one (1) hour in advance. (7)

Transportation to Park, Gallatin or Madison Counties in Montana is further limited to that which originates in Yellowstone County, Montana.

Commissioner McCaffree moved to approve the transfer of PSC No. 8949. Commissioner Feland seconded the motion, which passed unanimously.

(168) In the matter of T-99.28.ST - On February 25, 2000 Ron and Debbie Kindsfather dba Billings Trolley Co., Billings, Montana filed an application to transfer PSC No. 9378 to Ron Kindsfather dba Billings Trolley Co..

Class B - Passengers between all points and places within Big Horn, Carbon, Musselshell, Stillwater, and Yellowstone Counties. Limitations: 1. Transportation must originate and terminate in Yellowstone County (originate in and return to Yellowstone County). 2. Transportation is restricted to not more than twenty-six (26) passengers or less than six (6) passengers. 3. Transportation is restricted to that provided by a vintage attraction trolley car or trolley bus, converted to nonelectric drive. 4. Transportation of Burlington Northern crews is prohibited. 5. Service is restricted to that provided by reservation made at least one (1) hour in advance. 6. Transportation in charter service is prohibited.

Commissioner McCaffree moved to approve the transfer of PSC No. 9378. Commissioner Rowe seconded the motion, which passed unanimously.

(169) In the matter of T-00.18.PCN - William J. Lindsay dba Roundup Cab Co., Roundup, Montana requests a thirty (30) day extension of time in which to complete compliance for the authority granted in the above docket. Compliance was due April 12, 2000.

Class B - Passengers between all points and places in Roundup Montana and a twenty (20) mile radius thereof.

Commissioner McCaffree moved to approve the 30 day extension of time to complete compliance. Commissioner Rowe seconded the motion, which passed unanimously.

(170) In the matter of T-00.21.PCN - On February 10, 2000 Joseph L. Garcia dba Mining City Taxi, Butte, Montana filed an application for a intrastate certificate of public convenience and necessity. The application was noticed to the public on March 7, 2000. On April 12, 2000 the applicant filed a written request to withdraw his application and close the docket.

Class B – Passengers between all points and places in Butte, Montana and a sixty (60) mile radius thereof.

Commissioner Rowe moved to approve the request for withdrawal and closure of the docket. Commissioner Feland seconded the motion, which passed unanimously.

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10:00 a.m.

(171) In the matter of TN2029 - Bernard P. Harrington dba City Taxi, Butte, Montana requests permission to lease PSC No. 321 to Joseph L. Garcia dba Mining City Taxi, Butte, Montana for a six month period, April 17, 2000 to October 17, 2000.

Class B - Persons, in the City of Butte, Montana and to or from points not exceeding fifty (50) miles of Butte, Montana. Limitations: Regular or scheduled service as a jitney or bus is prohibited on or over any route.

Class C - Air freight, between the Butte Airport and points and places within the City of Butte, Montana and an area of ten (10) miles.

Commissioner McCaffree moved to approve the lease for a period of six months. Commissioner Rowe seconded the motion, which passed unanimously.

(172) In the matter of TN2030 - BFI Waste Systems of North America, Inc., a Delaware Corp., Missoula, Montana requests permission to split PSC No. 1581, Sub W, EE and FF and reissue the authority under a new PSC number (PSC NO. 9418), for leasing purposes.

Class D - Refuse, meaning all putresible and nonputresible solid wastes, garbage, rubbish, street cleanings, dead animals, yard clippings, solid market wastes, solid industrial wastes, liquid wastes and any other abandoned wastes, between all points and places in Fallon, Carter and Wibaux, Counties, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitations: 1. Transportation between points and places within the town of Wibaux, Montana, and a five (5) mile radius thereof is prohibited. 2. Transportation between points and places within the town of Ekalaka, Montana, and a five (5) mile radius thereof is prohibited.

Class D - Garbage, refuse, rubbish and waste from litter cans located upon the public highways in the following enumerated counties: Richland, McCone, Garfield, Carter, Dawson, and Wibaux; and within the community of Jordan, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitations: Transportation of garbage, refuse, rubbish and waste within Ekalaka, Montana and a five (5) mile radius thereof is prohibited, except for the transportation of garbage, refuse, rubbish and waste contained in litter cans located upon public highways within the area.

Class D - Garbage, refuse, rubbish and waste between all points and places in Custer County. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Commissioner Rowe moved to approve the request for splitting the 3 subs and reissuing the authority under new PSC No. 9418 for leasing purposes. Commissioner McCaffree seconded the motion, which passed unanimously.

(173) In the matter of TN2031 - BFI Waste Systems of North America, Inc., a Delaware Corp., Missoula, Montana requests permission to split PSC No. 1581, Sub GG for leasing. purposes. Carrier requests the following authority to be retained under PSC No. 1581:

Class D - Refuse, meaning all putresible and nonputresible solid wastes, garbage, rubbish, street cleanings, dead animals, yard clippings, solid market wastes, solid industrial wastes, liquid wastes and any other abandoned wastes, between all points and places in Treasure county, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Carrier requests the following authority be reissued under PSC No. 9418:

Class D - Refuse, meaning all putresible and nonputresible solid wastes, garbage, rubbish, street cleanings, dead animals, yard clippings, solid market wastes, solid industrial wastes, liquid wastes and any other abandoned wastes, between all points and places in the following counties: Prairie, Rosebud, and Powder River Counties, Montana. Carrier is allowed to transport authorized Commodities to certified landfills from territory authorized.

Commissioner Rowe moved to approve the requested split of the 3 subs and the and reissuing the authority under new PSC No. 9418. Commissioner McCaffree seconded the motion, which passed unanimously.

(174) In the matter of TN2032 - BFI Waste Systems of North America, Inc., a Delaware Corp., Missoula, Montana requests permission to lease PSC No. 9418 to Waste Connections of Montana, Inc., Folsom, California for a six month period, April 17, 2000 to October 17, 2000.

Class D - Refuse, meaning all putresible and nonputresible solid wastes, garbage, rubbish, street cleanings, dead animals, yard clippings, solid market wastes, solid industrial wastes, liquid wastes and any other abandoned wastes, between all points and places in Fallon, Carter and Wibaux, Counties, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitations: 1. Transportation between points and places within the town of Wibaux, Montana, and a five (5) mile radius thereof is prohibited. 2. Transportation between points and places within the town of Ekalaka, Montana, and a five (5) mile radius thereof is prohibited.

Class D - Garbage, refuse, rubbish and waste from litter cans located upon the public highways in the following enumerated counties: Richland, McCone, Garfield, Carter, Dawson, and Wibaux; and within the community of Jordan, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitations: Transportation of garbage, refuse, rubbish and waste within Ekalaka, Montana and a five (5) mile radius thereof is prohibited, except for the transportation of garbage, refuse, rubbish and waste contained in litter cans located upon public highways within the area.

Class D - Garbage, refuse, rubbish and waste between all points and places in Custer County. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

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10:00 a.m.

Class D - Refuse, meaning all putresible and nonputresible solid wastes, garbage, rubbish, street cleanings, dead animals, yard clippings, solid market wastes, solid industrial wastes, liquid wastes and any other abandoned wastes, between all points and places in the following counties: Prairie, Rosebud, and Powder River Counties, Montana. Carrier is allowed to transport authorized commodities.

Commissioner Rowe moved to approve the lease of PSC No. 9418. Commissioner Feland seconded the motion, which passed unanimously.

APPEARANCE  
Laura Calkin  
Centralized Services

(175) In the matter of the approval of Commission Minutes; Commissioner McCaffree moved to approve the minutes for the period of March 13, 2000 through April 10, 2000. Commissioner Rowe seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 18, 2000

9:00 a.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, April 18, 2000 the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Gary Feland, Commissioner  
Bob Rowe Commissioner

Commissioner Anderson was at CREPC, but left his votes with the Commission Secretary.

APPEARANCE

Martin Jacobson, David Burchett

(176) In the matter of the Commission's discussion of River Rock Water Company – Docket No. D2000.3.31; Commissioner Rowe moved to approve Interim Order No. 6241. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Denise Peterson, David Burchett

(177) In the matter of the Commission's discussion of Midvale Water Service – Estate of Ed Thatcher – Docket No. D99.12.276; Commissioner Rowe moved to approve the Transfer of Ownership of Midvale Water Service contingent upon information received from Rural Development. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Denise Peterson, Will Rosquist

(178) In the matter of the Commission's discussion of Disclosure Rulemaking – Docket No. L-99.7.9-RUL; Commissioner McCaffree moved to let the rulemaking notice expire and then renote the rulemaking at that time. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Denise Peterson, Kate Whitney, Scott Fabel, Jay Driscoll

(179) In the matter of the Commission's discussion of Qwest – Transfer of Assets – Docket No. D2000.3.38; Commissioner Rowe moved to approve the; 1) transfer stock of certain holding to Tele-Distance, 2) transfer Tele-Distance holdings to Touch America, and 3) request for waiver of authorization 60 days from the transfer. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

APPEARANCE

Robin McHugh, Marla Larson

(180) In the matter of the Commission's discussion of US West – ISDN Primary Rate Promotion – N2000.4.43; Commissioner Rowe moved to approve the promotion. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

Minutes.....April 18, 2000

9:00 a.m.

APPEARANCE  
Robin McHugh, Kate Whitney

(181) In the matter of the Commission’s discussion of American Internet Network – Cramming Complaint (Innovative Calling Technologies) – Docket No. D2000.2.26; Commissioner McCaffree moved to grant the extension of time requested (30 days). Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 18, 2000

1:30 p.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, April 18, 2000 the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Gary Feland, Commissioner  
Bob Rowe Commissioner

Commissioner Anderson was at CREPC and did not vote on the following item.

APPEARANCE

Robin McHugh, Wayne Budt, Dan Elliott

(182) In the matter of the Commission's discussion of budget and staff; Commissioner Rowe moved to authorize Robin McHugh to submit both, Martin Jacobson and Denise Peterson's positions to Department of Administration for upgrade. Commissioner McCaffree seconded the motion, which passed 4-1. Commissioners Fisher, McCaffree and Rowe voted aye. Commissioner Feland dissented.

Commissioner Rowe moved to grant Denise Peterson a pay exception. Commissioner McCaffree seconded the motion, failed with a voted of 2-2. Commissioners Rowe and McCaffree voted aye. Commissioner Fisher and Feland dissented.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, April 24, 2000, the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Bob Anderson, Commissioner  
Gary Feland, Commissioner  
Bob Rowe Commissioner

APPEARANCE

Dan Elliott, Administrator  
Utility Division

(183) In the matter of BLACK HILLS POWER & LIGHT Docket D2000.4.49 - On April 5, 2000, BHP&L filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on April 7, 2000. Requests for hearing were due by April 24, 2000. No requests have been received. This application will decrease rates by \$7,744 over the base cost of fuel approved in Docket No. 83.4.25. A default order has been drafted. Commissioner McCaffree moved to approve the default order. Commissioner Rowe seconded the motion, which passed unanimously.

(184) In the matter of McLeod USA/USWC Interconnect Agreement - Docket No. D99.11.252 - On April 5, 2000, USWC and McLeod filed a First Amendment to Agreement for Resale. The amendment makes changes to the agreement pursuant to PSC Order No. 6230. Commissioner McCaffree moved to approve the First Amendment to Agreement for Resale. Commissioner Rowe seconded the motion, which passed unanimously.

(185) In the matter of FirsTel /USWC Interconnect Agreement , Docket No. D98.12.281 - On April 5, 2000, USWC and FirsTel filed a First Amendment to Agreement for Wireline Interconnection. The amendment was submitted because FirsTel wants "to access certain preexisting combinations of unbundled network elements in accordance with the FCC's November 5, 1999 Order [In the Matter of the Implementation of the Local Competition Provisions of the Telecommunications Act of 1996] and related federal regulations." Recitals. The present agreement does not address such combinations. Commissioner Rowe moved to approve the First Amendment to Agreement for Wireline Interconnection. Commissioner McCaffree seconded the motion, which passed unanimously.

(186) In the matter of Avista/USWC Interconnection Agreement - Docket No. D99.2.41 - On April 5, 2000, USWC and Avista filed a Second Amendment to Agreement for Wireline Interconnection. The amendment was submitted because Avista wants "to access certain preexisting combinations of unbundled network elements in accordance with the FCC's November 5, 1999 Order [In the Matter of the Implementation of the Local Competition Provisions of the Telecommunications Act of 1996] and related federal regulations." Recitals. The present agreement does not address such combinations. Commissioner Rowe moved to approve the Second Amendment for Wireline Interconnection. Commissioner McCaffree seconded the motion, which passed unanimously.

(187) In the matter of DSLnet/USWC Interconnection Agreement - Docket No. D99.8.195 - On April 5, 2000, USWC and DSLnet filed a Second Amendment to Agreement for Wireline Interconnection. The amendment was submitted because DSLnet wants "to access certain preexisting combinations of unbundled network elements in accordance with the FCC's November 5, 1999 Order [In the Matter of the Implementation of the Local Competition Provisions of the Telecommunications Act of 1996] and related federal regulations." Recitals. The present agreement does not address such combinations. Commissioner McCaffree moved to approve the Second Amendment for Wireline Interconnection. Commissioner Rowe seconded the motion, which passed unanimously.

(188) In the matter of CITIZENS COMMUNICATIONS Docket N2000.4.53 - On April 12, 2000, Citizens Communications filed Advice Letter No. MT-00-03 to add Line Arrangement for Electronic Business Sets as an Optional Feature for Centrex Services. This allows for a Centrex line arrangement for the use of customer provided business sets. Commissioner Rowe moved to approve Advice Letter No. MT-00-03. Commissioner McCaffree seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(189) In the matter of TN2033 - Jones Brothers Trucking, Inc. dba Executive Limousine Service, Missoula, Montana requests permission to lease PSC No. 9096 to William P. Jones dba Executive Limousine Service, Missoula, Montana for a six (6) month period, April 24, 2000 to October 24, 2000.

Class B- Passengers by limousine service from points in Missoula County to all points and places in the State of Montana and return. Limitations: 1) Transportation is limited to six (6) passengers or less. 2) Transportation as a jitney or taxi is prohibited. 3) All transportation must originate and terminate in Missoula County, Montana. Transportation shall not originate from outside of Missoula County. 4) Transportation shall be provided to passengers by reservation only. Transportation or fares shall not be solicited form the vehicle while it is stopped, standing, or parked. 5) The hiring of the vehicle for transportation must be for the use of the entire vehicle by a single passenger or group of passengers traveling together. The solicitation of individual passengers to constitute a full load is prohibited.

Commissioner Rowe moved to approve the lease of PSC No. 9096 for a period of six months. Commissioner McCaffree seconded the motion, which passed unanimously.

(190) In the matter of TN2034 - James A. Jones dba Oilfield Maintenance Company, Gillette, Wyoming requests permission to lease PSC No. 9131 to Rickey D. Rost dba Disposal Services Company, Miles City, Montana for a twelve (12) month period, April 24, 2000 to April 24, 2001.

Class D - Garbage, solid waste, debris between all points and places in the following counties: Powder River, Custer, Prairie and Dawson.

Commissioner McCaffree moved to approve the lease of PSC No. 9131. Commissioner Feland seconded the motion, which passed unanimously.

Minutes.....April 24, 2000

10:00 a.m.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

Minutes.....April 24, 2000

1:30 p.m.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on April 24, 2000 the following members were present:

Dave Fisher, Chairman  
Nancy McCaffree, Vice Chair  
Bob Anderson, Commissioner  
Gary Feland, Commissioner  
Bob Rowe Commissioner

APPEARANCE

Robin McHugh, Marla Larson

(191) In the matter of the Commission's discussion of "Fresh Look" – N99.7.1777; Commissioner Rowe moved to instruct US West to file a specific response to the Centrex location issue. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe moved to authorize staff to develop additional information (Rulemaking/Monitor developments/Connection of 271) regarding "Fresh Look". Commissioner Anderson seconded the motion, which failed with a vote of 2-3. Commissioners Anderson and Rowe voted aye. Commissioners Fisher, McCaffree and Feland dissented.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson  
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on April 27, 2000 the following members were present:

- Dave Fisher, Chairman
- Nancy McCaffree, Vice Chair (via telephone)
- Bob Anderson, Commissioner
- Gary Feland, Commissioner
- Bob Rowe Commissioner

APPEARANCE

Martin Jacobson, Mike Lee

(192) In the matter of the Commission's discussion of Montana Power Company's Gas Compliance Filing – MJPC and Commercial Energy Settlement – Docket No. D99.8.176; Commissioner Rowe moved to approve the implementation tariffs conditionally, giving intervening parties 10 days to file any concerns or objections. Commissioner McCaffree seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh

(193) In the matter of the Commission's discussion of draft legislation on the sale of utility companies; Commissioner Anderson moved to adopt the draft language as a recommendation to the legislature for clarification of the PSC's authority over utility sales, transactions and an explicit statement of the PSC's implicit authority. Commissioner McCaffree seconded the motion, which passed 4-1. Commissioner Feland dissented.

There being no further business to come before the Commission the meeting was adjourned.

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DAVE FISHER, Chairman

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NANCY McCAFFREE, Vice Chair

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BOB ANDERSON, Commissioner

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GARY FELAND, Commissioner

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BOB ROWE, Commissioner

ATTEST:  
Kathlene M. Anderson  
Commission Secretary

(SEAL)