

Minutes.....December 4, 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 December 4, 2000, the following members were present:

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

Commissioner's Anderson and Rowe were absent, but left their votes with the Commission Secretary.

APPEARANCE

Dan Elliott, Administrator  
Utility Division

(518) In the matter of MONTANA POWER COMPANY- DOCKET NO. D2000.11.190; On November 17, 2000, MPC requested authority to incur short-term debt not to exceed \$150,000,000 for the calendar years 2001 and 2002. The securities to be issued by MPC shall be in the form of a revolving credit and term loan agreement, promissory notes to banks, commercial paper drafts, banker acceptance drafts or such other means as may be deemed advisable. The proceeds will be used for the temporary financing of acquisitions of property, the construction and improvement of facilities, the maintenance of service, the discharge and lawful refunding of obligations and other lawful corporate purposes. Commissioner Feland moved to approve and issue Default Order No. 6308. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(519) In the matter of T-00.108.PCN - On August 18, 2000 James F. Cole dba Montana Luxury Limo Service, Great Falls, Montana filed an application for a certificate of public convenience and necessity. Protests were filed. Applicant agreed to amend the application to read:

Class B – Passengers in limousine service between all points and places in Great Falls, Montana and a 100 mile radius. LIMITATION: Transportation movements, which originate or terminate within Helena, Montana and a fifty (50) mile radius thereof, are prohibited.

Protests were withdrawn. Commissioner McCaffree moved to grant the authority, as amended. Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(520) In the matter of T-00.62.PCN - On July 10, 2000 Margaret Stiger dba Northern Lights Limousine Service, Big Fork, Montana filed an application for a certificate of public convenience and necessity. Protests were filed. Applicant and protestants stipulated to the following grant of authority:

Class B – Passengers in limousine service between all points and places in Flathead County. LIMITATIONS: (1) All movements must originate or terminate in Big Fork, Montana and a five (5) mile radius thereof. (2) All movements are limited to Flathead County. (3) Transportation movements require 24 hour advance notice.

Commissioner Feland moved to grant the authority, as stipulated to. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(521) In the matter of T-00.116.ST - On October 2, 2000 Verlan W. Smith, Hot Springs, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 6369 to BFI Waste Systems of North America, Inc. a Delaware Corporation, Missoula, Montana.

Class D - Garbage, brush and solid waste within the City of Hot Springs, Montana and a twenty (20) mile radius thereof. Limitations: Transportation is prohibited within the Town of Plains, Montana and a ten (10) mile radius thereof.

Commissioner McCaffree moved to approve the transfer of PSC No. 6369. Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(522) In the matter of T-00.117.ST - On October 2, 2000 Weston Lee MacDonald and Sandra M. MacDonald husband and wife, as joint tenants, Polson, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 1842 to BFI Waste Systems of North America, Inc. a Delaware Corporation, Missoula, Montana.

Class D - Ashes, trash, waste, refuse, rubbish, garbage, organic and inorganic matter within an area 3 miles south and/or west of U.S. Highway 93 from Polson Bridge to where Highway 28 intersects U.S. Highway 93 in the town of Elmo, Montana, bounded on the north and/or east by the shores of Flathead Lake and from the afore-described territory to certified landfills.

Class D - Garbage within the town of Polson, Montana, and a one-half (1/2) mile radius thereof. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

No protests were received. Commissioner Feland moved to approve the transfer of PSC No. 1842. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(523) In the matter of T-00.118.ST - On October 2, 2000 Marc W. Johnson dba Northwest Disposal Services, Big Fork, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 2714 to BFI Waste Systems of North America, Inc. a Delaware Corporation, Missoula, Montana.

Class D - Garbage and refuse, authorized to serve an area whose eastern, western and northern boundaries are defined as the arc on the circumference of a 35 mile radius circle whose center originates at Polson, Montana; and whose southern boundary is defined as a cord of the 35 miles radius circle running tangent to a 10 mile radius circle whose center originates at Ronan, Montana; including the town of Creston, Montana and points intermediate between Big Fork, Montana and Creston, Montana; and between Big Fork and Lakeside, Montana on the county road and U.S. Highway 93; and serving the United States Air Force radar base located near Lakeside, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitations: Service within corporate limits of the City of Polson, Montana is prohibited. Transportation of household goods under Rule 31 is prohibited.

Class D - Garbage and refuse, between all points and places from Bigfork, Montana to the Missoula County line down Seeley Swan Highway by way of Highway 326 and Highway 209. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

No protests were received. Commissioner Feland moved to approve the transfer of PSC No. 2714. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(524) In the matter of T-00.119.ST - On October 2, 2000 Gary Eugene Plouffe dba Plouffe Disposal Service, St. Ignatius, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 3329 to BFI Waste Systems of North America, Inc. a Delaware Corporation, Missoula, Montana.

Class D - Garbage and refuse within St. Ignatius, Montana and between points and places within seven (7) miles thereof. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Commissioner Feland moved to approve the transfer of PSC No. 3329. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(525) In the matter of T-00.120.ST - On October 2, 2000 Flathead Disposal, Inc., Ronan, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 2870 to BFI Waste Systems of North America, Inc. a Delaware Corporation, Missoula, Montana.

Class D - Garbage and refuse, authorized to serve an area whose eastern, western and southern boundaries are defined as the arc on the circumference of a 35 mile radius circle whose center originates at Polson, Montana and whose northern boundary is defined as a cord of the 35 mile radius circle running tangent to a 10 mile radius circle whose center originates at Ronan, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Commissioner Feland moved to transfer PSC No. 2870. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(526) In the matter of T-00.121.ST - On October 2, 2000 Marc W. Johnson, Ronan, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 1448 to BFI Waste Systems of North America, Inc. a Delaware Corporation, Missoula, Montana.

Class D - Ashes, trash, waste, refuse, rubbish, garbage, organic and inorganic matter within the town of Ronan, Montana, and between all points and places within a fifty (50) mile radius thereof. Limitations: Transportation is prohibited within a three and one half mile (3.5 mile) radius of the junction of U.S. Highway 90 and U.S. Highway 93 (approximately 3.5 miles south of Evaro hill), with the EXCEPTION of movements which originate in that area and terminate in Ronan, Montana, or originate in Ronan and terminate in the 3.5 mile radius area.

Commissioner Feland moved to approve the transfer of PSC No. 1448. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(527) In the matter of T-00-122.ST -\_On October 3, 2000, Kurtz Sanitation, Inc., Glendive, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 9420 to Town of Terry, Terry, Montana.

Class D - Refuse within the between all points and places within five (5) air miles on both sides of Interstate 94, beginning at the Prairie County/Dawson County line and ending at Interchange 198 southwest of Glendive, Dawson County, Montana. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Commissioner Feland moved to transfer PSC No. 9420. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(528) In the matter of T-00.123.ST - On October 24, 2000 Gary T. and Pamela J. Nelson dba Merchants Moving & Storage, Hamilton, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 4879 to Merchants Moving & Storage, Inc., Hamilton, Montana.

Class B - Household goods (as defined by Commission) from all points and places in Ravalli County, Montana, to all points and places in the State of Montana.

Class C - Property (except garbage, dirt, sand and gravel) between all points and places in Ravalli County, Montana.

Commissioner Feland moved to transfer PSC No. 4879. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(529) In the matter of T-00.124.ST - On October 24, 2000 Dennis J. Lammerding, Jr. dba Northern Transfer & Storage, Havre, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 2969 to Merchants Moving & Storage, Inc., Hamilton, Montana.

Class B - Property within the City of Havre, Montana, and to or from points tributary thereto, but within a distance not exceeding twenty-five (25) miles in any direction from said city. Limitations: Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

Class B - Household goods (as defined by Commission) between all points in the State of Montana over public highways.

Class C - Property in the city of Havre, Montana, and to or from points immediately tributary thereto. Limitations: The transportation of property between points served by rail carriers, or between points served by a motor carrier operating between fixed termini or over a regular route, is prohibited.

Commissioner Feland moved to transfer PSC No. 2969. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

(530) In the matter of T-00.126.ST -\_On October 23, 2000, Paul R. Sultzbach dba Mission Valley

Minutes.....December 4, 2000

1:30 p.m.

Medicab, Missoula filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 9199 to Clayton L. Clowes dba Montana Medicab, Hamilton, Montana.

Class B – Non-emergency medical and psychiatric patients from Granite, Lake, Mineral, Missoula, Ravalli, and Sanders Counties to medical appointments at health care facilities in Flathead, Granite, Lake, Mineral, Missoula, Ravalli, and Sanders and return.

Commissioner Feland moved to approve the transfer of PSC No. 9199. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE

Laura Calkin  
Centralized Services

(531) In the matter of the approval of Commission Minutes; Commissioner McCaffree moved to approve the Commission Minutes for the weeks of November 20 and November 27. Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

Minutes.....December 4, 2000

1:30 p.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.....December 4, 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 Monday, December 4, 2000 the following members were present:

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

Commissioner's Anderson and Rowe were absent, but left their votes with the Commission Secretary.

APPEARANCE

Leroy Beeby, Eric Eck

(532) In the matter of the Commission's discussion of Cut Bank Gas – Transition Bond Financing Passthrough – Docket No. D2000.11.199; Commissioner Feland moved to approve Final Order No. 6306. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE

Martin Jacobson, David Burchett

(533) In the matter of the Commission's discussion of Energy West Montana – 2000 Tracker and 1999 “Summary Closure” – Docket No. D2000.10.176 and D99.4.106; Commissioner McCaffree moved to consolidate the dockets and to issue the Interim Order with a December 11, 2000 date. Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE

Martin Jacobson, Tina Shorten, Kate Whitney

(534) In the matter of the Commission's discussion of Richard Helfrich – Complaint against the Montana Power Company regarding an energy audit (Richard Helfrich v. MPC) – Docket No. D2000.11.193; Commissioner McCaffree moved to issue a Notice of Complaint. Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE

Martin Jacobson, Dennis Crawford, Joel Tierney

(535) In the matter of the Commission's discussion of the Annual update to the Pipeline Safety Rules – L.00.9.6.RUL; Commissioner McCaffree moved to issue a Notice of Adoption. Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE

Robin McHugh, Bonnie Lorang, Jay Driscoll, Mike Lee, Marla Larson

(536) In the matter of the Commission's discussion of Qwest – Section 271 Collaborative – Protective Order – Docket No. D2000.5.70; Commissioner Feland moved to adopt John Antonouck's ruling by reference and agree to a modified procedural schedule. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE  
Robin McHugh

(537) In the matter of the Commission's discussion of Citizens/CommSouth – Interconnection Agreement – Docket No. D2000.7.104; Commissioner Feland moved to grant an additional 60 day extension of time to file amendments to the interconnection agreement. Commissioner McCaffree seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE  
Denise Peterson

(538) In the matter of the Commission's discussion of Qwest and Citizens – Sale of Exchanges – Docket No. D2000.1.11; Commissioner McCaffree moved to accept staff recommendations as described in the draft Notice of Commission Action: The Commission directed the parties to the Stipulation to notify the Commission by December 12, 2000, whether the agreement with ISD is incorporated into the Docket as a separate Settlement Agreement. If it is not part of the comprehensive Settlement Agreement, the Commission may revoke the withdrawal of ISD from these proceedings and reinstate the intervention, on its own motion or that of ISD. The Commission also directed Applicants and MCC, the parties to the Stipulation, to file Supplemental Testimony in support of the Stipulation on or before December 22, 2000. On or before January 5, 2001, Intervenors that are not parties to the Stipulation must file a Statement of Intentions, stating whether they intend to participate in the Docket and whether they want a discovery schedule and a date for filing testimony.

Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE  
Martin Jacobson, Jay Driscoll, Bonnie Lorang, Scott Fabel

(539) In the matter of the Commission's discussion of Cooke City Qwest Customers – Customer Petition for EAS (Extended Area Service) – Docket No. D2000.8.125; Commissioner McCaffree moved to approve the Cooke City EAS (into the Bozeman Region) at the \$2.44 increment. Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

APPEARANCE  
Martin Jacobson, Kate Whitney

(540) In the matter of the Commission's discussion of Hot Springs Telephone (L.00.5.3-RUL) and Montana Consumer Counsel (L-00.9.5-RUL) – Petitions for Rulemaking on Customer Deposit Rules; Commissioner McCaffree moved to leave the interest rate at the present rate of 1% per month (L-00.5.3-RUL). Commissioner Feland seconded the motion, which passed 4-1. Commissioners Fisher, McCaffree, Anderson and Rowe voted aye. Commissioner Feland dissented. Commissioner McCaffree then moved to notice the amended rule (ARM 38.5.1107) for adoption with modifications to the last sentence (how refunds are made – reinstitute accounts can be credited unless customer requests something else / utility will send refund or credit account unless customer contacts the utility and states otherwise / amend last sentence to add cash refund acceptance - subC). Commissioner Feland seconded the motion, which passed unanimously. Commissioner's Anderson and Rowe voted aye.

Minutes.....December 4, 2000

1:30 p.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.....December 4, 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 Monday, December 4, 2000 the following members were present:

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

Commissioner Anderson was absent, but left his vote on the following item with the Commission Secretary. Commissioner Rowe was absent, and did not vote on the following item.

APPEARANCE  
Robin McHugh

(541) In the matter of the Commission's discussion of Qwest's SGAT (Statement of Generally Accepted Terms) filing; Commissioner McCaffree moved to allow AT&T until December 18, 2000 (5:00 p.m.) to respond to Qwest's filing. Commissioner Feland 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

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, December 11, 2000, the following members were present:

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

Commissioner McCaffree was absent, but left her votes with the Commission Secretary.

APPEARANCE

Dan Elliott, Administrator  
Utility Division

(542) In the matter of MDU RESOURCES GROUP, INC. - DOCKET NO. D2000.11.191; On November 22, 2000, MDU requested authority to incur short-term indebtedness up to \$75,000,000. MDU requested that the authority granted pursuant to this application be effective until December 31, 2002. The short-term indebtedness would either be in the form of Notes and/or Commercial Paper. Commissioner Feland moved to grant Default Order No. 6309. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(543) In the matter of TN2081 - James H. & Joan P. Michael dba Airport Shuttle Service, Kalispell, Montana request permission to continue the lease of PSC No. 3664 to Flathead Area Custom Transportation, Inc. dba Kalispell Taxi & Airport Shuttle Service, Kalispell, Montana for a twelve month period October 7, 2000 to October 7, 2001.

Class B - Persons and baggage from Kalispell, Montana, and a two mile radius thereof to Glacier International Airport via U.S. Highway No. 2, and State Highway No. 206, serving all intermediate points and return. Limitations: The transportation of persons and baggage between points and places within the City of Kalispell and a two mile radius thereof is prohibited.

Class B - Persons and baggage deplaning from Frontier Airlines and Hughes Airwest flights at Glacier Park International Airport to West Glacier, Montana, and return over Montana Highway No. 206 and 40 and U.S. Highway No. 2, subject to the condition that carrier advise Glacier Park, Inc., of its proposed service schedule and take such steps as may be reasonably necessary to coordinate service with that furnished by Glacier Park, Inc.

Class B - Persons and personal baggage between all points and places within Kalispell and a three (3) mile radius thereof. Limitations: 1) Transportation of passengers in limousine service is prohibited. 2) Transportation of Burlington Northern train crews is prohibited. 3) Transportation of express is prohibited. 4) Utilization of vans is restricted to the transportation of fifteen (15) people, or less, per vehicle.

Commissioner Rowe moved to approve the continuation of the lease of PSC No. 3664 for a period of one year. Commissioner Feland seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

(544) In the matter of TN2082 - First Class Limousine Service, Inc., Kalispell, Montana requests permission to lease PSC No. 9397 to Wild Horse Limousine & Carriage Co., Inc., Kalispell, Montana for a 3 month period December 11, 2000 to March 11, 2001.

Class B - Passengers in limousine service between all points and places within Flathead County.

Class B – Passengers in limousine service between all points and places in the State of Montana. Limitation: All transportation movements must originate in Flathead County, Montana.

Commissioner Rowe moved to approve the request to lease PSC No. 9397 for a period of 3 months. Commissioner Feland seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

(545) In the matter of TN2083 - Mary Belle Harper dba V.I.P. Taxi Service, Livingston, Montana requests permission to continue the lease of PSC No. 5682 to John P. Bechuck dba V.I.P. Taxi Service, Livingston, Montana for an eight (8) month period, December 5, 2000 to August 5, 2001.

Class B - Passengers and small packages between all points and places within Livingston, Montana and a fifty (50) mile radius thereof. Limitations: (1) Movements which both originate and terminate within Bozeman, Montana are prohibited. (2) Transportation service is restricted to cab or taxi service only. (3) Transportation service to be provided is restricted against utilizing vehicles in excess of eight (8) person capacity. (4) Transportation service to or from Gallatin Field in or near Belgrade, Montana, must originate or terminate in Livingston, Montana. (5) Transportation of Burlington Northern crews is prohibited. (6) Truck delivery service is prohibited.

Class C - Passengers between all points and places in the following counties: Broadwater, Gallatin, Granite, Jefferson, Lewis and Clark, Meagher, Mineral, Missoula, Park, Powell, Sanders, Stillwater, Sweetgrass, and Yellowstone. Limitation: (1) Transportation is limited to the account of Livingston Memorial Hospital or their successors in interest, and (2) Transportation in limousine service is prohibited.

Class B - Passengers and small packages between all points and places within Livingston, Montana and a one hundred twenty-five (125) mile radius thereof. Limitations: (1) Movements which both originate and terminate within Bozeman, Montana are prohibited. (2) Transportation service is restricted to cab or taxi service only. (3) Transportation service to be provided is restricted against utilizing vehicles in excess of eight (8) person capacity. (4) Transportation service to or from Gallatin Field in or near Belgrade, Montana, must originate or terminate in Livingston, Montana. (5) Transportation of Burlington Northern crews is prohibited. (6) Truck delivery service is prohibited.

Commissioner Anderson moved to approve the request for permission to continue the lease of PSC No. 5682 for a period of eight months. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner McCaffree voted aye.

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

Minutes.....December 11, 2000

10:00 a.m.

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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.....December 11, 2000

10:30 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, December 11, 2000 the following members were present:

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

Commissioner McCaffree was on vacation and did not vote on this item.

APPEARANCE

Denise Peterson, Will Rosquist

(546) In the matter of the Commission's discussion of Energy Northwest, Inc. – Docket No. D2000.7.103; Commissioner Rowe moved to determine the filing by Department of Health and Human Services was too late to be included in this case and further moves to move the testimony of DPHHS into the USBC docket (Docket No. D99.5.130), for consideration. Commissioner Anderson 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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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 Tuesday, December 12, 2000 the following members were present:

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

Commissioner McCaffree was on vacation, but left her votes with the Commission Secretary. Commissioner Rowe was travelling to the ENI hearing in Kalispell but left his votes with the Commission Secretary.

APPEARANCE

Robin McHugh, Mike Lee, Scott Fabel

(547) In the matter of the Commission's discussion of Qwest Communications, Inc. – UNE Deaveraging – Docket Nos. D99.12.277 and D96.11.200; Commissioner Anderson moved to approve the order, subject to non-substantive editing. Commissioner Feland seconded the motion, which passed 4-1. Commissioner's Fisher, Anderson, McCaffree and Feland voted aye. Commissioner Rowe dissented (no written dissent by Rowe).

APPEARANCE

Wayne Budt, Dan Elliott, Robin McHugh

(548) In the matter of the Commission's discussion of travel; Commissioner Anderson moved to approve out-of-state travel for Mike Lee to attend the Post 271 Workshop in Seattle, Washington, January 4-6, 2001. Commissioner Feland seconded the motion, which passed unanimously. Commissioner Rowe voted aye. Commissioner McCaffree 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

ATTEST:  
Kathlene M. Anderson  
Commission Secretary

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BOB ROWE, Commissioner

(SEAL)

Minutes.....December 12, 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 Tuesday, December 12, 2000 the following members were present:

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

Commissioner McCaffree was on vacation, and did not vote on the following item. Commissioner Rowe was travelling to the ENI hearing in Kalispell but left his votes with the Commission Secretary.

APPEARANCE  
Kate Whitney, Mike Lee

(549) In the matter of the Commission's discussion of Qwest's E2700 Report; Commissioner Feland moved to approve the sending of the drafted letter to Qwest. 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)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, December 18, 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

(550) In the matter of Havre Pipeline Company, Docket D2000.10.177; On December 8, 2000, Applicant Havre Pipeline Company filed a Notice of Withdrawal from proceedings. Commissioner Feland moved to grant the withdrawal of the tariff filing and to close the docket. Commissioner Rowe seconded the motion, which passed unanimously.

(551) In the matter of Communications Docket N.2000.11.201; On November 27, 2000, Qwest Communications filed tariff transmittal 00-47 Message Delivery Service Revision. Currently, a term and condition exists that indicates that the customer of Message Delivery or Message Delivery Service-Interoffice will only use the calling party's information to complete processing of a particular call. The term and condition is being revised to clarify that the information may also be used in the provisioning of Voice Messaging Service. Commissioner McCaffree moved to approve the tariff filing. Commissioner Rowe seconded the motion, which passed unanimously.

(552) In the matter of Qwest Communications Docket N.2000.11.202; On November 27, 2000, Qwest Communications filed tariff transmittal 00-49 ISDN Single Line Revisions. In this filing Qwest is requesting to modify the terms and conditions under which ISDN Single Line Service is offered by the following: 1) Set forth terms and conditions regarding cancellation of ISDN service, 2) Modify the terms and conditions regarding the standard call appearance associated with ISDN Single line Service, 3) Establish a threshold of 25 ISDN Single line facilities for offering service on an Individual Case Basis when purchased under a rate stability agreement, 4) Modify the termination liability language to remove the minimum billing level percent and the termination charge percent, and 5) Extend the date for which existing customers with grand fathered measured rate ISDN SLS for conversion to flat rate service to January 1, 2003. Commissioner Feland moved to approve the tariff filing. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(553) In the matter of T-00.125.ST; On October 17, 2000 Candi Vanderley dba V.I.P. Limousine, Billings, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 8920 to Donald A. Hurley dba Arrive In Style, Billings, Montana.

Class B - Passengers between all points and places in Yellowstone and Sweetgrass Counties. Limitations: 1) Transportation of Burlington Northern train crews is prohibited. 2) Transportation is limited to five (5) passengers or less per vehicle and further limited to limousine transportation only. 3) Reservations for limousine service must be made at least 24 hours in advance. 4) Transportation as a taxi or jitney is prohibited.

Commissioner McCaffree moved to approve the transfer of PSC No. 8920. Commissioner Rowe seconded the motion, which passed unanimously.

(554) In the matter of T-00.128.RI; On November 13, 2000, the Montana Tariff Bureau, Agent on behalf of Two Shews, Inc., Billings, Montana and Mark L. Foos dba City Cab, Billings, Montana, filed a rate increase of between zero (0) and nine point one (9.1) percent. The proposed rate increase was noticed to the public on November 21, 2000. Last date for protest was December 15, 2000. Rates are scheduled to become effective January 4, 2001 approval of the rate increase barring receipt of any timely filed protests.

Commissioner McCaffree moved to approve the rate increase barring receipt of any timely filed protests, if protests are filed then this approval will be suspended. Commissioner Feland seconded the motion, which passed unanimously.

(555) In the matter of TN2084; James A. Jones dba Oilfield Maintenance Company, Gillette, Wyoming requests permission to continue the lease of PSC No. 9297 to Kenneth W. Griffith dba Ken Griffith Excavating, Baker, Montana for a twelve (12) month period, December 28, 2000 to December 28, 2001.

Class D - Garbage, solid waste, debris between all points and places in Fallon, Carter and Wibaux County.

Commissioner McCaffree moved to approve the continuation of the lease of PSC No. 9297 for a period of one year. Commissioner Feland seconded the motion, which passed unanimously.

(556) In the matter of TN2085; E & A Garbage Service, Inc., Savage, Montana requests permission to lease PSC No. 4066 to Triple S Disposal, Inc., Savage, Montana for a six (6) month period, December 18, 2000 to June 18, 2001.

Class D - Garbage and solid waste between points in Richland County, Montana.

Commissioner Feland moved to approve the lease of PSC No. 4066 for a period of six months. Commissioner McCaffree seconded the motion, which passed unanimously.

APPEARANCE  
Laura Calkin  
Centralized Services

(557) In the matter of the approval of Commission Minutes; Commissioner McCaffree moved to approve the Commission Minutes for the weeks of December 4 through December 11, 2000. Commissioner Rowe seconded the motion, which passed unanimously.

Minutes.....December 18, 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.....December 19, 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, December 19, 2000 the following members were present:

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

APPEARANCE

Denise Peterson, Will Rosquist, Eric Eck

(558) In the matter of the Commission's discussion of PSC's Notice of Proposal to Extend Transition Period – Docket No. D2000.10.177; Commissioner McCaffree moved to direct staff to issue an order extending the Transition Period to July 1, 2004, and direct Montana Power Company to make a compliance filing by January 19, 2001. Commissioner Anderson seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Dave Burchett, Joel Tierney

(559) In the matter of the Commission's discussion of Miller Oil – Montana Consumer Counsel Stipulation Agreement – Docket No. D2000.8.118; Commissioner Feland moved to approve and issue Final Order No. 6263a. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Leroy Beeby

(560) In the matter of the Commission's discussion of Cut Bank Gas Company – Docket No. D2000.11.185; Commissioner Feland moved to approve and issue Interim Order No. 6311. Commissioner McCaffree seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Dave Burchett

(561) In the matter of the Commission's discussion of Mountain Water Company – Petition for Declaratory Ruling on Acquisition; Commissioner Rowe moved to authorize issuing the Notice of Declaratory Ruling. Commissioner Feland seconded the motion, which passed unanimously.

(562) In the matter of the Commission's discussion of Columbia Heights Water Company – Service Quality Complaint; Commissioner Rowe moved to authorize staff to commence enforcement action against Columbia Heights Water Company in state court seeking remedies including fines, a forced transfer of the utility and other remedies as appropriate. Commissioner Feland seconded the motion, which passed unanimously.

APPEARANCE  
Scott Fabel, Eric Eck

(563) In the matter of the Commission's discussion of FCC NPRM on Streamlining Accounting and Reporting Requirements; Commissioner Anderson moved to send letter supporting NARUC's comments, if NARUC has filed their comments. If staff discovers NARUC has not filed or will not file their comments, then the Commission will not be sending the letter of support. Commissioner McCaffree seconded the motion, which passed 4-0. Commissioners Fisher, McCaffree, Anderson and Feland voted aye. Commissioner Rowe abstained.

APPEARANCE  
Robin McHugh (via telephone), Mike Lee

(564) In the matter of the Commission's discussion of Qwest – Cost Docket (Discovery Objections and Motion for Supplement Discovery – Docket No. D2000.6.89 - Motions were as follows:

- Commissioner Rowe moved to deem Qwest's Objections 15 and 16 as moot, and should be answered. Commissioner Feland seconded the motion, which passed unanimously.
- Commissioner Rowe moved to Sustain the Objection to 181(e) and Overrule Objections 182(d) and 182(e). Commissioner McCaffree seconded the motion, which passed unanimously.
- Commissioner Rowe moved to Overrule Qwest No. 4 in part and Sustain it in part, directing staff to instruct Montana Wireless to reply by showing whether it, or its family companies, have competed in the 3 methods of entry (Resale, Unbundled, Facility Based) for each of the business and residential markets in Missoula since December 31, 1998. Commissioner Feland seconded the motion, which passed unanimously.
- Commissioner Rowe moved to Deny Avista's Motion for Supplemental Discovery. Commissioner Feland seconded the motion, which passed unanimously.

APPEARANCE  
Marla Larson, Kate Whitney, Scott Fabel

(565) In the matter of the Commission's discussion of Qwest Communications – Detariffing of Directory Assistance Service (Final Order No. 6228b) – Docket No. D2000.1.4; Commissioner Rowe moved to approve the final order, including detariffing on the business side with instruction given to Qwest to file an appropriate reduction in the local business rate. Motion died for lack of a second.

Commissioner Feland moved to approve and issue Final Order No. 6228b with the inclusion of a Conclusions of Law section. Commissioner Fisher seconded the motion, which failed 2-3. Commissioners Feland and Fisher voted aye. Commissioners McCaffree, Anderson and Rowe and dissented.

Commissioner Anderson moved to approve and issue Final Order No. 6228b, noting Qwest's offer to reduce toll and that Qwest may file a revenue/rate case in exchange for the 3 free calls. Commissioner McCaffree seconded the motion, which failed 2-3. Commissioners Anderson and McCaffree voted aye. Commissioners Fisher, Rowe and Feland dissented.

Commissioner Rowe moved to approve and issue Final Order No. 6228b and instruct staff to instruct Qwest to make a compliance filing reducing the local business rate. Commissioner Anderson seconded the motion, which passed 3-2. Commissioners Anderson, Rowe and McCaffree voted aye. Commissioners Fisher and Feland dissented.

APPEARANCE

Martin Jacobson, Mike Lee, Bonnie Lorang

(566) In the matter of the Commission's discussion of PSC's proposed t-com flexible pricing rules –L-00.6.4-RUL; Commissioner McCaffree moved to adopt the rules as proposed, with modifications and allowing minor editing. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Dan Elliott, Robin McHugh, Laura Calkin

(567) In the matter of the Commission's discussion of budget and personnel; Commissioner Feland moves the following: Dan Elliott's last day of employment at the PSC will be December 29, 2000 so that he may become a retiree from state government. Rather than remain on the payroll through March 31, 2001 to use up his vacation, Dan Elliot elects a payout of vacation and sick leave balances. The Commission will increase the monetary amount of his vacation payout by 25% or \$2,616.37. This amount is equal to the extra benefits the PSC would have paid if Dan were to stay on payroll in a vacation status through the pay period ending March 31, 2001. Commissioner Anderson seconded the motion, which passed unanimously.

Minutes.....December 19, 2000

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.....December 21, 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 Thursday, December 21, 2000 the following members were present:

Dave Fisher, Chairman  
Bob Anderson, Commissioner  
Bob Rowe Commissioner

Commissioner McCaffree was absent, but left her vote with the Chairman. Commissioner Feland was absent and left his proxy with Commissioner Rowe.

APPEARANCE

Denise Peterson, Bonnie Lorang, Marla Larson, Scott Fabel

(568) In the matter of the Commission's discussion of Qwest/Citizens Sales of Exchanges – Docket no. D2000.1.11; Commissioner Rowe moved to send the letter to the FCC at this time. Commissioner Anderson seconded the motion, which passed unanimously. . Commissioner McCaffree and Feland vote aye.

Commissioner Rowe moved to suspend the filing date for supplemental testimony for tomorrow (12/22/2000); but maintain the filing date of notice of intention. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner McCaffree and Feland vote 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)