

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, August 6, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Matt Brainard, Commissioner

Commissioner Anderson was at EPRI and Commissioner Rowe was on vacation. Both left written votes with the Commission Secretary.

APPEARANCE
Steve Vick
Utility Division

(328) In the matter of Black Hills Power, Docket No. D2002.6.70; On June 18, 2002, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on June 21, 2002. Requests for hearing were due by July 30, 2002. No requests have been received. This application will decrease rates by \$17,036 over the base cost of fuel approved in Docket No. 83.4.25. Commissioner Stovall moved to approve the issue the default order approving the rate decrease. Commissioner Rowe seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

APPEARANCE
Wayne Budt, Administrator
Transportation & Centralized Services Division

(329) In the matter of T-02.27.RRV; On June 25, 2002 a Notice of Request for Side Clearance Variance Waiver was issued for the Harrison Elevator located at Harrison, Montana. The side clearance for the grain bins located at the elevator are not in compliance with 38.4.409 ARM. No protests or comments were received. Commissioner Brainard moved to grant the variance waiver. Commissioner Stovall seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

(330) In the matter of TN2147; PSC 869 Lee Reynolds - no Class D operations as required by § 69-12-314(2), MCA, and ARM 38.3.1203. Carrier includes the cost of solid waste transportation in the lot rent of his mobile home court.

SUB A Class D - Ashes, trash, waste, refuse, rubbish and garbage in the City of Helena, Montana, and to or from points immediately tributary thereto. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized. Limitations: Transportation 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 Brainard moved to accept the verified statement approving the continued authority, noting that next year more information will be required, including itemized amounts. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. Commissioner Rowe voted aye. The vote was held open for Commissioner Anderson, who voted aye, making the vote unanimous.

(331) In the matter of TN2148; Flathead Area Custom Transportation, Inc. dba Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana, requests permission to suspend PSC No. 9404 for a final six (6) month period, May 10, 2002 to November 10, 2002.

Class B - Nonemergency medical and psychiatric patients to and from medical appointments at health care facilities within the following counties: Flathead, Lake, Lincoln, Missoula, and Sanders. Limitations: Transportation must originate or terminate in Lincoln County.

SUB A Class B - Passengers, baggage and express between all points and places in Libby, Montana, and a thirty (30) mile radius thereof. Limitations: 1) Transportation of railway crews is prohibited. 2) Transportation by limousine is prohibited.

Commissioner Brainard moved to suspend the authority. Commissioner Stovall seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

(332) In the matter of TN2149; The US Small Business Administration, as the holder of the authority following bankruptcy, requests permission to lease PSC No. 304, Ridle-Lawson Enterprises, Inc. dba McDonald North American, Inc., Billings, Montana, to Montana Sky's Trucking, Inc., Shepherd, Montana for a five month period, August 6, 2002 to January 6, 2003, pending completion of sale and transfer proceedings.

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

SUB A Class C - Property within the City of Helena, Montana, and to or from points tributary thereto, but within a distance not exceeding ten (10) miles in any direction from said town. 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. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

SUB B Class C - Property in the City of Billings, 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. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

SUB C Class C - 1) Major appliances, 2) Television sets, 3) Miscellaneous items such as fireplaces, stereos and related lines from Billings, Montana to all points and places located in the following counties: Glacier, Toole, Pondera, Teton, Hill, Chouteau, Cascade, Lewis & Clark, Missoula, Ravalli, Deer Lodge, Beaverhead, Park, Silver Bow, Madison, Gallatin, Broadwater, Meagher, Judith Basin, Garfield, Wheatland, Sweetgrass, Dawson, Fallon, Custer, Powder River, Rosebud, Big Horn, Treasure, Valley, Phillips, Musselshell, Fergus, Golden Valley, Stillwater, Carbon and Yellowstone. Limitation: Transportation limited to the account of Interstate Distributing Company.

Commissioner Stovall moved to approve the lease. Commissioner Brainard seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

(333) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of July 23, 2002. Commissioner Brainard seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

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

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
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, August 6, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Matt Brainard, Commissioner

Commissioner Anderson was at EPRI and Commissioner Rowe was on vacation. Both left written votes on some issues with the Commission Secretary.

APPEARANCE

Martin Jacobson, David Burchett

(334) In the matter of the Commission's discussion of Montana-Dakota Utilities Gas General Rate Case, Docket No. D2002.5.59; Commissioner Brainard moved to issue the protective order covering the specified information. Commissioner Stovall seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

Commissioner Stovall moved to allow the intervention (of the Coalition Against Unfair Utility Competition) but require that further activity be through legal counsel, and sustain MDU' s objections to the four data requests. Commissioner Brainard seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

Commissioner Brainard moved to overrule the objection to staff data requests but allow the staff to decide if the information should be sent under protective order or an on-site audit be performed. Commissioner Stovall seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

APPEARANCE

Martin Jacobson, Leroy Beeby

(335) In the matter of the Commission's discussion of Lincoln Telephone Company and Clark Fork Telecommunications applications for annual report protective orders, Dockets No. N2002.7.85 and N2002.7.86, respectively; Commissioner Brainard moved to grant a generic protective order for four years for Lincoln Telephone' s Schedule 27. Commissioner Stovall seconded the motion, which passed with a vote of 4-1. Commissioners Brainard, Feland, Rowe and Stovall voted aye. Commissioner Anderson dissented.

Commissioner Brainard moved to grant a generic protective order for four years for Clark Fork Telecommunications covering the access line and switch data, Schedules 23 and 24, excepting the column totals which are reported to the FCC. Commissioner Stovall seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

APPEARANCE

Martin Jacobson, Susan Good

(336) In the matter of the Commission's discussion of Clark Fork Telecommunications' non-rate access tariff amendments, Docket No. D2001.7.98; Commissioner Brainard moved to deny Qwest' s motion to strike the testimony of Geoff Feiss. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. Commissioner Rowe voted aye. The vote was held open for Commissioner Anderson due to a split staff recommendation. Commissioner Anderson voted aye, making the vote unanimous.

APPEARANCE

Martin Jacobson

(337) In the matter of the Commission's discussion of the PSC' s Annual Certification of Montana Eligible Telecommunications Carriers to the Federal Communications Commission, Dockets No. N2002.7.96 and D2002.3.33; Commissioner Stovall moved to incorporate the Notice of Inquiry-generated ideas per staff recommendation. Commissioner Feland seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

APPEARANCE

Martin Jacobson

(338) In the matter of the Commission's discussion of Airpage v. U S West Communications and Clark Fork Telecommunications; Blackfoot Telecommunications v. MCI; and the PSC v. U S West Communications, Inc., Dockets No. D97.4.63, D98.6.141 and D97.7.116, respectively; Commissioner Brainard moved to issue the notice of intent to dismiss in D97.4.63 and D98.6.141. Commissioner Feland seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

Commissioner Brainard moved to dismiss the PSC complaint in D97.7.116. Commissioner Stovall seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

APPEARANCE

Dave Burchett

(339) In the matter of the Commission's discussion of Mountain Water' s motion for interim approval of purchased power tracking adjustment, Docket No. D2002.5.60; Commissioner Brainard moved to issue the interim order. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. Commissioner Anderson voted aye. Commissioner Rowe did not leave a vote on this issue.

APPEARANCE

Wayne Budt, Steve Vick, Susan Good

(340) In the matter of the Commission's discussion of the Special Legislative Session; Commissioner Brainard moved to support the legislation (SB 26) in the special session that proposed to move the universal access funds to the general fund with the recommendation that the whole program just be repealed. Commissioner Stovall seconded the motion, which passed with a vote of 3-0. Commissioners Anderson and Rowe did not leave a vote on this issue.

APPEARANCE

Wayne Budt, Steve Vick, Susan Good

(341) In the matter of the Commission's discussion of the budget; Commissioner Stovall moved to pay the NRRI and NARUC dues (for FY2003). Commissioner Brainard seconded the motion, which passed unanimously. Commissioners Anderson and Rowe voted aye.

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

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)