

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 10, 2002, the following members were present:

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

Commissioner Rowe was absent but left written votes with the Commission Secretary.

#### APPEARANCE

Steve Vick  
Utility Division

(507) In the matter of Qwest Communications, Docket No. N2002.11.146; On November 21, 2002, Qwest filed Tariff Transmittal 02-32, Consumer Packaging Changes. The proposed changes and additions are as follows:

- Reduce the recurring rate for the current ValueChoice package and eliminate the \$5 nonrecurring charge.
- Introduce a two-line version of the ValueChoice package
- Introduce a new package named PreferredChoice. This package contains all of the features in the current PopularChoice package in addition to LineBacker. The package will be rated at \$34.99.
- Introduce a two line version of the PreferredChoice package at a rate of \$49.99.
- Introduce an optional package to one and two-line ValueChoice customers called PrivacyPak. This package contains the following features: Security Screen, Call Rejections, and a Non-listed Service Listing. The recurring rate for this package will be \$5.00 and there will be no nonrecurring charge.
- Introduce an optional package to one and two-line PreferredChoice customers called ConveniencePak. This package contains the following features: Call Following, Custom Ringing, Do Not Disturb, Priority Call, Selective Call Forwarding, Speed Calling 8 and Speed Calling 30. The recurring rate for this package will be \$5.00 and there will be no nonrecurring charge

Qwest is requesting a January 6, 2003 effective date for these changes.

Commissioner Stovall moved to approve the tariff changes. Commissioner Anderson seconded the motion, which passed with a vote of 4 to 1. Commissioners Anderson, Feland, Rowe and Stovall voted aye. Commissioner Brainard dissented.

(508) In the matter of Qwest Communications, Docket No. N2002.11.147; On November 18, 2002, Qwest filed Tariff Transmittal 02-31. In this filing Qwest is requesting a reduction to Public Access Line (PAL) rates. The Basic PAL access line rate is being reduced to \$16.80 from \$38.94 and the Smart PAL access line rate is being reduced to \$17.39 from \$38.40. The Basic PAL Message line rate is being reduced to \$15.42 from \$24.85 and the Smart PAL Message line rate is being reduced to \$16.02 from \$23.51. The PAL message charge is being reduced to \$0.03 per call from \$0.04 per call. This filing is being made at this time to comply with FCC Order No. 02-025 which provided a new service test for PAL service that lowers PAL rates. Commissioner Brainard moved to approve the tariff filing. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

## APPEARANCE

Wayne Budt, Administrator

Transportation &amp; Centralized Services Division

(509) In the matter of T-02.104.ST; On October 24, 2002 John P. Bechuck dba V.I.P. Taxi Service, Livingston, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 5682, to V.I.P. Taxi Service, Inc., Livingston, Montana. The application was noticed to the public on November 14, 2002 and no protests were received.

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.

SUB A 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.

SUB B 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 Brainard moved to transfer of authority. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(510) In the matter of TN2163; Mark L. Foos dba Northwest Passage, Billings, Montana requests permission to continue the lease of PSC No. 9332 to Silver Eagle Shuttle, Inc., Billings, Montana for a twelve (12) month period, December 23, 2002 to December 23, 2003.

Class B - Passengers and their personal belongings between all points and places in the State of Montana. Limitations: (1) Transportation is restricted to that provided by vehicles with a rated seating capacity of eight or less. (2) Transportation must originate or terminate in Yellowstone County. (3) No passenger transportation services shall originate or terminate within Fergus, Judith Basin, Musselshell, Toole, Treasure, Stillwater, Carbon, and Big Horn Counties, with the exception of Fort Smith, Montana and a fifty (50) mile radius thereof. (4) Transportation utilizing luxury limousines or motor coach (bus) is prohibited. (5)

Transportation of railroad personnel is prohibited. (6) Transportation movements which both originate and terminate within Billings, Montana and a fifty (50) mile radius thereof are prohibited. (7) Transportation may not originate within Flathead County.

Commissioner Stovall moved to continue the lease for a 12-month period. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(511) In the matter of TN2164; Greyhound Lines, Inc., Dallas, Texas requests permission to continue self insure for liability insurance covering the first \$5,000,000 in losses. Coverage is placed with an insurance company for excess coverage beyond the minimum requirement of \$5,000,000. If approved this self-insurance for liability purposes will expire on October 1, 2003. Commissioner Anderson moved to approve the request to continue self insurance. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

(512) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of December 2, 2002. Commissioner Brainard 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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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)

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 10, 2002, the following members were present:

- Gary Feland, Chairman
- Jay Stovall, Vice Chairman
- Bob Anderson, Commissioner
- Matt Brainard, Commissioner
- Bob Rowe, Commissioner

Commissioner Rowe was present via telephone for the first few work sessions. The votes were left open on the balance, and he later cast his votes.

APPEARANCE

Robin McHugh, Eric Eck

(513) In the matter of the Commission's discussion of NorthWestern Energy's "Exempt Wholesale Generator" Filing Pertaining to Montana Megawatts, Docket No. D2002.10.131; Commissioner Brainard moved to adopt option 2 as outlined in the staff memo (to request NWE make a more complete filing in support of its proposal). Commissioner Feland seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of NorthWestern Energy's "Exempt Wholesale Generator" Filing Pertaining to the Milltown Dam, Docket No. D2002.10.129; Commissioner Anderson moved to reject the filing as incomplete, in doing so give the company guidance for what constitutes an adequate filing. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Will Rosquist, Eric Eck

(514) In the matter of the Commission's discussion of NorthWestern Energy's Special Service Contracts to Avoid Uneconomic Bypass, Docket No. D2000.7.98; Commissioner Anderson moved to deny the request for accounting order. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 1. Commissioners Anderson, Brainard, Feland and Stovall voted aye. Commissioner Rowe dissented.

APPEARANCE

Martin Jacobson, Will Rosquist

(515) In the matter of the Commission's discussion of NorthWestern Energy's Green Power Offering, Docket No. D2002.7.81; Commissioner Rowe moved to issue an order stating that the Commission, in its opinion, has jurisdiction over a voluntarily offered product, thereby converting the previous filing into a voluntarily offered product. Commissioner Anderson seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson

(516) In the matter of the Commission's discussion of the Annual Pipeline Safety Rule Update, Docket No. L-02.10.4-RUL; Commissioner Brainard moved to issue the notice of rule amendment. Commissioner

Stovall seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Rowe who later cast his vote aye, making the vote unanimous.

APPEARANCE

Martin Jacobson, Dave Burchett

(517) In the matter of the Commission's discussion of Energy West Montana's Gas Tracker, Docket No. D2002.9.120; Commissioner Anderson moved to approve the interim order with edits. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Rowe who later cast his vote aye, making the vote unanimous.

APPEARANCE

Martin Jacobson

(518) In the matter of the Commission's discussion of NorthWestern Energy's Gas Tracker Filing, Docket No. D2002.11.140; Commissioner Stovall moved to grant the interim rate increase. Commissioner Anderson seconded the motion, which failed with a vote of 2 to 2. Commissioners Anderson and Stovall voted aye. Commissioners Brainard and Feland dissented. Commissioner Rowe did not leave a vote on this issue.

Commissioner Brainard moved to authorize a 17 percent interim increase. Commissioner Feland seconded the motion, which was tabled (subsequently rescheduled to a work session later this week).

Commissioner Anderson moved to issue a protective order on specifically identified information. Commissioner Brainard seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Rowe who later cast his vote aye, making the vote unanimous.

APPEARANCE

Martin Jacobson, Kendal Ferguson

(519) In the matter of the Commission's discussion of 3 Rivers Request for Designation as an Eligible Telecommunications Carrier in the Conrad Exchange, Docket No. D2002.8.105; Commissioner Brainard moved to approve the request for ETC designation. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Rowe who later cast his vote aye, making the vote unanimous.

APPEARANCE

Monica Tranel, Eric Eck

(520) In the matter of the Commission's discussion of Blackfoot Telephone Cooperative and Clark Fork Telecommunications Consolidation of Corporate Structure, Docket No. D2002.11.149; Commissioner Brainard moved to approve the filing, subject to comments received during a 20-day comment period. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Rowe who later cast his vote aye, making the vote unanimous.

APPEARANCE

Monica Tranel, Kate Whitney, Susan Good

(521) In the matter of the Commission's discussion of legislation; Commissioner Anderson moved to recommend the bill regarding letters of agency to the legislature. Commissioner Brainard seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Rowe who later cast his vote aye, making the vote unanimous.

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

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)

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 12, 2002, the following members were present:

- Gary Feland, Chairman
- Jay Stovall, Vice Chairman
- Bob Anderson, Commissioner
- Matt Brainard, Commissioner, via telephone
- Bob Rowe, Commissioner

APPEARANCE

Martin Jacobson, Dave Burchett, Bob Nelson (Montana Consumer Counsel)

(522) In the matter of the Commission's discussion of NorthWestern Energy's Annual Gas Tracker, Docket No. D2002.11.140; Commissioner Stovall moved to grant the interim increase of 35 percent. 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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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)