

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, February 17, 2004, 10:00 a.m. the following members were present:

Bob Rowe, Chairman  
Thomas J. Schneider, Vice Chairman  
Greg Jergeson, Commissioner  
Jay Stovall, Commissioner

Commissioner Brainard left his written vote with Commissioner Rowe.

APPEARANCE  
Martin Jacobson, Robin McHugh

(49) In the matter of the Commission's discussion of Great Falls Tribune, et al. v. PSC and Montana Power Company, petition for attorney fees.

Commissioner Jergeson moved to close meeting pursuant to the litigation exception. Commissioner Stovall seconded the motion, which failed with a vote of 2 to 2. Commissioner Stovall and Commissioner Jergeson voted aye. Commissioner Schneider and Commissioner Rowe dissented.

Commissioner Schneider moved to oppose petition for reimbursement of expenses by the media. Commissioner Stovall seconded the motion which passed unanimously.

APPEARANCE  
Robin McHugh, Will Rosquist, Kate Whitney

(50) In the matter of the Commission's discussion of Docket No. 2004.2.21: the investigation of the electricity market activity affecting retail customers during the period 2000 through 2001.

Commissioner Schneider moved to issue a clarification order provision that the investigation is limited to the years 2000 - 2001. Commissioner Jergeson seconded the motion, which passed 4-0.

Commissioner Brainard did not leave his vote on this matter.

APPEARANCE  
Al Brogan, Kate Whitney, Will Rosquist, Robin McHugh

(51) In the matter of the Commission's discussion of NorthWestern Bankruptcy.

Commissioner Schneider moved to withdraw limited objection to Duke-Colstrip 4 contract based on reservation regarding authority and the filing from NWE concerning Colstrip 4. Commissioner Jergeson seconded the motion, which passed with a vote of 3 – 2. Commissioner Stovall and Commissioner Brainard dissented.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Wednesday, February 18, 2004, 9:30 a.m. the following members were present:

Bob Rowe, Chairman  
Thomas J. Schneider, Vice Chairman  
Matt Brainard, Commissioner  
Greg Jergeson, Commissioner  
Jay Stovall, Commissioner

APPEARANCE

Wayne Budt, Administrator  
Transportation/Centralization Services

(52) In the matter of TN2212 – Dick Irvin, Inc., Shelby, Montana requests permission to continue the lease of PSC No. 9392 to Irvin, Inc. and Mico, Inc. dba I & Transfer, Shelby, Montana for a one year period, January 6, 2004 to January 6, 2005.

Commissioner Jergeson moved to continue the lease PSC No. 9392. Commissioner Schneider seconded the motion, which passed unanimously.

(53) In the matter of the approval of Commission Minutes; Commissioner Brainard moved to approve the Commission Minutes for the week of February 10, 2004. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel

(54) In the matter of the Commission's discussion of Telecom regulation in Montana:

Commissioner Rowe moved to have staff prepare a proposal of the scope for rulemaking for t-com carriers in Montana. Commissioner Schneider seconded the motion, which passed unanimously.

(55) In the matter of the Commission's discussion of QCC D2003.10.153 – motion for reconsideration: Commissioner Schneider moved for approval of Order as drafted. Commissioner Brainard seconded the motion, which passed with a vote of 4-1. Commissioner Jergeson dissented.

APPEARANCE

Kim Moran

(56) In the matter of the Commission's discussion of Qwest Docket No. N2003.10.149 – Tariff Transmittal 04-01, volume and/or term discounts: Commissioner Schneider moved to approve Tariff Transmittal 04-01 with the requirements that staff has recommended. The filing requirements will be enumerated in the notice of commission action. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan

(57) In the matter of the Commission's discussion of NorthWestern Energy bankruptcy;

Commissioner Jergeson moved that the Commission send two of the commissioners to the New York City bankruptcy meeting scheduled for February 25<sup>th</sup>. The commissioners would be chosen by the Commission Chairman. Commissioner Brainard seconded the motion, which passed unanimously.

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

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BOB ROWE, Chairman

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THOMAS J. SCHNEIDER, Vice Chairman

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MATT BRAINARD, Commissioner

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GREG JERGESON, Commissioner

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JAY STOVALL, Commissioner

ATTEST:

Judy Scheier  
Assistant Commission Secretary

(SEAL)