

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, June 29, 2004, 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 & Centralized Services Division

(230) In the matter of T-04.45.R1 – the Montana Tariff Bureau’s request to institute a fuel surcharge (item 262) in its household goods tariff. Matter has been noticed and no protests have been received.

Commissioner Stovall moved to approve the fuel surcharge for Montana Tariff Bureau. Commissioner Brainard seconded the motion, which passed unanimously.

(231) In the matter of TN2223 – U.G., Inc., Helena, Montana, PSC No. 2111, is requesting a fuel surcharge, under 38.3.3601 ARM, of 5% to be effective for 90 days, expiring September 27, 2004. The fuel surcharge will apply to the transportation of passengers within Helena and a 50 mile radius.

Commissioner Stovall moved to approve the fuel surcharge for U.G., Inc. Commissioner Brainard seconded the motion, which passed unanimously.

(232) In the matter of the approval of Commission Minutes:

Commissioner Jergeson moved to approve the Commission Minutes for the week of June 21, 2004. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Phil Cooke

(233) In the matter of the Commission’s discussion of MCI Petition for waiver of ARM 38.5.3371 (3) (a) - Docket No. D2004.4.53:

Commissioner Jergeson moved to deny the protective order without prejudice and to grant an extension of the time for motion for reconsideration to July 15, 2004. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE
Gary Duncan, Monica Tranel

(234) In the matter of the Commission's discussion of Nemont Telephone Cooperative Merger – Docket No. D2004.6.86:

Commissioner Jergeson moved to approve the consolidation of Valley Telecommunications into Nemont Telephone Cooperative. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Mike Lee, Monica Tranel

(235) In the matter of the Commission's discussion of Qwest's filing to revise Exhibit A of the Statement of Generally Available Terms (SGAT) – Docket No. D2000.6.80:

Commissioner Stovall moved to allow the revised Statement of Generally Available Terms (SGAT) to go into effect as filed. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE
Monica Tranel, Gary Duncan, Mike Lee, Scott Fabel, Kate Whitney

(236) In the matter of the Commission's discussion of interconnection agreements for Qwest; Avika; CAN; Bridgeband; Comtech21; 1-800-Reconex; AT & T; Central; Nemont – Docket No. D2004.3.32; D2004.3.41; D2004.3.42; D2004.4.60; D2004.5.85; D2004.2.25; D2004.2.26; and D2004.4.66:

Commissioner Rowe moved to approve Qwest – 1-800-Reconex Interconnection Agreement in Docket No. D2004.5.85, subject to compliance with state and federal law and subject to terms of approval of the SGAT. Commissioner Brainard seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the Interconnection Agreement between Central Communications and Gold Creek Cellular in Docket No. D2004.2.25, subject to modification of 4.1 exceptions being clarified in Section 1.15, and subject to compliance with state and federal law. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the Interconnection Agreement between Nemont and Gold Creek Cellular in Docket No. D2004.2.26, subject to modification of 4.1 exceptions being clarified in Section 1.15, and compliance with state and federal law. Commissioner Jergeson seconded the motion, which passed unanimously.

Commissioner Rowe moved to approve the Interconnection Agreement between AT & T and Qwest in Docket No. D2004.4.66, subject to modification of 9.2.5.2 (strike last sentence of that section to comport with SGAT on file with Commission); and subject to compliance with state and federal law and subject to terms of approval of SGAT. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel

(237) In the matter of the Commission's discussion of Section 272 Biennial Audit Report for Qwest Communications International – Docket No. D2004.6.94:

Commissioner Rowe moved to issue a notice of receipt of the 272 audit, requesting comments on the audit and on other matters related to compliance and implementation of section 272, with the comments due within 30 days and to reference the URL for the complete audit. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Will Rosquist

(238) In the matter of the Commission's discussion of NorthWestern Energy's Annual BPA residential exchange credit tracking filing – Docket No. D2004.5.77:

Commissioner Schneider moved to issue a Notice of Commission Action granting the BPA residential exchange credit. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Leroy Beeby

(239) In the matter of the Commission's discussion of NorthWestern Energy unreflected gas cost account balance, projected gas cost and GTAC balance – Docket No. D2004.6.88:

Commissioner Schneider moved to issue a Notice of Commission Action rejecting this filing with instructions that NWE may refile incorporating volumes and price from the Commission's prior order relating to the deferred account for the past twelve months. Commissioner Brainard seconded the motion, which passed with a vote of 4 – 0. Commissioner Jergeson abstained.

APPEARANCE

Marla Larson

(240) In the matter of the Commission's discussion of proposed Montana PSC comments to FERC concerning treatment of grandfathered transmission agreements by the Midwest ISO in its transmission and energy markets tariff:

Commissioner Jergeson moved that the Montana Commission file these comments with the Federal Energy Regulatory Commission and to leave the option to the Dakotas to join in by the end of the day. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Robin McHugh

(241) In the matter of the Commission's discussion of NWE Bankruptcy - Placeholder to get direction on any matter related to the bankruptcy:

Commissioner Jergeson moved to authorize staff to draft a modification to the legal services contract setting a fee cap sufficient to leave funds within the \$450,000.00 to cover expenses. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Monica Tranel

(242) In the matter of the Commission's discussion of GoInternet formal complaint re: cramming – Docket No. D2002.10.126:

Commissioner Stovall moved to close the meeting pursuant to litigation laws to discuss litigation matters. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 1. Commissioner Rowe dissented.

Commissioner Rowe moved to authorize staff to negotiate a settlement agreement in regards to the formal complaint of cramming by GoInternet that would approve notification to customers by postcards; that full refunds and credit be given; not suspend GoInternet's license, but to review the script before making any recommendation; to review GoInternet's customer list; and finally Go-Internet be assessed a \$10,000.00 fine. Commissioner Brainard seconded the motion, which passed unanimously.

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

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
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 Wednesday, 9:30 a.m., June 30, 2004 the following members were present:

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

APPEARANCE

Robin McHugh, Leroy Beeby

(243) In the matter of the Commission's discussion of NorthWestern Energy's Interim Order – Electric – Docket No. D2004.6.90:

Commissioner Jergeson moved to grant a protective order based on staff recommendations. Commissioner Schneider seconded the motion, which passed with a vote of 4 to 0. Commissioner Stovall was absent, but left his proxy with Commissioner Rowe. Commissioner Brainard was absent and did not leave a vote on this matter.

APPEARANCE

Will Rosquist, Eric Eck, Robin McHugh

(244) In the matter of the Commission's discussion of NorthWestern Energy's Interim Order – Electric – Docket No. D2004.6.90:

Commissioner Rowe moved to request comments on returning aggregate customers from Montana Consumer Council and invite comments from others for an interim order to be filed at the Commission by 9:00 a.m., Wednesday, July 7, 2004. Commissioner Jergeson seconded the motion, which passed with a vote of 3 to 2. Commissioners Rowe, Jergeson and Brainard voted aye. Commissioner Schneider and Commissioner Stovall dissented.

APPEARANCE

Martin Jacobson, Kim Moran

(245) In the matter of the commission's discussion of NorthWestern Energy unreflected gas cost account balance, projected gas cost and GTAC balance to reconsider interim gas schedule – Docket No. D2004.6.88:

Commissioner Schneider moved to reconsider 6-29-04 rejection of filing. Commissioner Stovall seconded the motion, which passed 5 to 0.

Commissioner Schneider moved to direct a Notice of Commission action to NorthWestern Energy to supplement schedules in compliance with the Commission's disallowance to reflect price of natural gas of \$3.50 per 4.2 mdkt. Commissioner Stovall seconded the motion, which passed 5 to 0.

Commissioner Schneider moved to direct staff to prepare an interim order to approve rates as amended to reflect the PSC disallowance. Commissioner Stovall seconded the motion, which passed with a vote of 4 to 1. Commissioner Jergeson dissented.

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

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
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 Friday, 9:00 a.m., July 2, 2004 the following members were present:

- Bob Rowe, Chairman
- Tom Schneider Vice Chairman was absent & left no vote
- Matt Brainard, Commissioner (via telephone)
- Greg Jergeson, Commissioner (via telephone)
- Jay Stovall, Commissioner (via telephone)

APPEARANCE

Wayne Budt, Robin McHugh

(246) In the matter of Commission’s discussion of T-04.15.PCN, applicant Big Sky Taxi, application for certain taxi authority in Flathead County; the Commission received a late filed protest in this docket:

Commissioner Brainard moved to grant late intervention. Commissioner Jergeson seconded the motion, which passed with a vote of 4 to 0.

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

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary
(SEAL)