

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, May 17, 2005, the following members were present:

Greg Jergeson, Chairman
Brad Molnar, Vice Chairman
Robert H. Raney, Commissioner
Thomas J. Schneider, Commissioner

Commissioner Mood was absent but left his written votes with the Commission secretary.

APPEARANCE

Scott Fabel

(202) In the matter of Sprint Communications Company - Docket No. N2005.4.74: On April 28, 2005, Sprint request changes in its Montana P.S.C. Price list No. 1. Sprint is requesting changes in its tariff to clarify the obligations of Sprint and the customers who seek E-Rate funding for Sprint services and products.

Commissioner Schneider moved to approve Sprints changes in Docket N2005.4.74. Commissioner Raney seconded the motion, which passed 5-0.

(203) In the matter of Qwest Corporation - Docket No. N2005.5.77: On May 2, 2005, Qwest filed Tariff Transmittal 05-11 for removal of two services from its Tariff's. Qwest is requesting that Call Data Collection and Transmission Service and TracklinePlusSM Services be removed. Due to lack of demand, Qwest has decided to eliminate these services. There are no customers with either of these services at the present time. Qwest is also requesting a June 1, 2005, effective date.

Commissioner Raney moved to approve Qwest's request in Docket N2005.5.77. Commissioner Schneider seconded the motion, which passed 5-0.

APPEARANCE

Leroy Beeby

(204) In the matter of Qwest Services Corporation - Docket No. N2005.5.76: On May 2, 2005, Qwest Communications Corporation filed Tariff Transmittal 05-10, Residence On-Line Ordering Promotion. During the promotional period from June 1, 2005 through August 29, 2005, residence customers who are connecting service for the first time (New Connect) or who are moving to a new address (Transfer of Service) and who place their order on-line at Qwest's website will receive a \$25.00 Visa Gift Card. This promotion is available on all New Connect or Transfer of Service orders placed on-line during the promotional period and where facilities are available.

Commissioner Molnar moved to approve Qwest Tariff Transmittal 05-10, Residence On-Line Ordering Promotion. Commissioner Raney seconded the motion, which passed 5-0.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(205) In the matter of TN2263: Helena Unlimited, Inc. dba Last Chance Tours, Helena, Montana requests that PSC No. 2516 be cancelled based on HB 273

Commissioner Schneider moved to approve the cancellation as requested. Commissioner Raney seconded the motion, which passed 5-0.

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

Commissioner Raney moved to approve the Commission Minutes for the week of May 9, 2005. Commissioner Schneider seconded the motion, which passed 5-0.

APPEARANCE

Monica Tranel

(207) In the matter of the Commission's discussion of Covad's Petition for Arbitration with Qwest - Docket No. D2005.4.51:

Commissioner Schneider moved that the PSC be designated as arbitrator in Docket D2005.4.51. Commissioner Raney seconded the motion, which passed 5-0.

(208) In the matter of the Commission's discussion of Ronan and Hot Springs Petitions for Protective Order - Dockets D2005.4.53 and D2005.4.52:

Commissioner Molnar moved to deny Ronan Telephone Company's motion for protective order in Docket D2005.4.52 without prejudice and instruct staff to prepare a memo identifying the elements they failed to satisfy in their motion for the protective order. Commissioner Schneider seconded the motion, which passed 5-0.

Commissioner Molnar moved to deny Hot Springs Telephone's motion for protective order in Docket D2005.4.53 without prejudice and instruct staff to prepare a memo identifying the elements they failed to satisfy in their motion for a Protective Order. Commissioner Schneider seconded the motion, which passed 5-0.

(209) In the matter of the Commission's discussion of Bresnan's deployment of voice services:

Commissioner Schneider moved the Commission issue a notice of NCA that the Commission will

not at this time decide on a particular regulatory regime for cable VOIP pending Supreme Court and FCC decisions, after which the PSC will schedule a conference and solicit input from interested parties. Commissioner Raney seconded the motion, which passed 5-0.

(210) In the matter of the Commission's discussion of FCC's proposed rulemaking re: intercarrier compensation - FCC 05-33:

Commissioner Jergeson moved the Commission file brief comments supportive of the NARUC Task Force process in the development of this proposal and reserve for the Commission the opportunity to weigh in on specific elements. Commissioner Schneider seconded the motion, which passed 5-0.

APPEARANCE
Martin Jacobson

(211) In the matter of the Commission's discussion of Cable and Communications (Mid-Rivers Cell) motions for reconsideration - Docket No. D2003.8.105:

Commissioner Jergeson moved that the motions for reconsideration be denied without order. Motion died for lack of a second.

Commissioner Schneider moved that the PSC accept the motion for reconsideration and that we further discuss what actions we take. Commissioner Molnar seconded the motion.

Commissioner Jergeson made a substitute motion to deny reconsideration and issue an order clarifying the points described by staff. Commissioner Raney seconded the substitute motion, which passed 3-2. Commissioner Schneider and Commissioner Molnar voted no.

(212) In the matter of the Commission's discussion of the complaint by Robinson concerning MDU - Docket No. D2004.9.156:

Commissioner Schneider moved to dismiss the complaint based on the lack of ability to provide the relief requested, and request that MDU provide whatever practices and procedures it employs to ensure its service calls, safety practices and merchandising activities are conducted in a way that is not anti-competitive. Commissioner Raney seconded the motion, which passed 5-0.

APPEARANCE
Kate Whitney, Administrator
Utility Division

(213) In the matter of the Commission's discussion of staff out-of-state travel - Docket No. D2005.4.49:

Commissioner Raney moved to approve out-of-state travel requests for Dave Burchett and Leroy Beeby to participate in an audit of Mountain Water Co. in Downy, CA., Joel Tierney to participate in an audit of Devon Energy (owner of Havre Pipeline) in Oklahoma City, and Marla Larson to attend the initial meeting of the Western Group and Grid West's technical training and meeting in Portland May 23-27. Commissioner Schneider seconded the motion, which passed 5-0.

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

GREG JERGESON, Chairman

BRAD MOLNAR, Vice Chairman

DOUG MOOD, Commissioner

ROBERT H. RANEY, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)