

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, March 17, 2009, the following members were present:

Greg Jergeson, Chair  
Ken Toole, Vice Chair  
Gail Gutsche, Commissioner  
Brad Molnar, Commissioner  
John Vincent, Commissioner

APPEARANCE

Gary Duncan, Utility Division

(106) In the matter of N2009.2.20: On February 23, 2009, Qwest Corporation filed a Petition for Waiver of the Months to Exhaust/Utilization Threshold requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200.

Commissioner Vincent moved to APPROVE the Qwest Corporation Petition for Waiver in Docket No. N2009.2.20 and instruct the Pooling Administrator to issue an appropriate 1000 number block to Qwest Corporation in the Belgrade Rate Center. Commissioner Gutsche seconded the motion, which passed unanimously.

(107) In the matter of N2009.2.21: On February 23, 2009, Qwest Corporation filed a Petition for Waiver of the Months to Exhaust/Utilization Threshold requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC 00-429 and FCC 01-362 in CC Docket No. 99-200.

Commissioner Vincent moved to APPROVE the Qwest Corporation Petition for Waiver in Docket No. N2009.2.21 and instruct the Pooling Administrator to issue an appropriate 1000 number block to Qwest Corporation in the Missoula Rate Center. Commissioner Gutsche seconded the motion, which passed unanimously.

(108) In the matter of N2009.2.22: On February 24, 2009, Qwest Corporation filed for Commission approval of a Multi-State Agreement between Qwest and MidAmerican Energy Holdings Company.

Commissioner Toole moved to APPROVE the Multi-State Agreement between Qwest Corporation and MidAmerican Energy Holdings Company in Docket No. N2009.2.22. Commissioner Vincent seconded the motion, which passed unanimously.

(109) In the matter of N2009.2.23: On February 24, 2009, Qwest Corporation filed for Commission approval of a Multi-State Agreement between Qwest and Macy's Systems and

Technology, Inc.

Commissioner Toole moved to APPROVE the Multi-State Agreement between Qwest Corporation and Macy's Systems and Technology, Inc., in Docket No. N2009.2.23. Commissioner Vincent seconded the motion, which passed unanimously.

(110) In the matter of N2009.2.24: On February 24, 2009, Qwest Corporation filed for Commission approval of a Multi-State Agreement between Qwest and Costco Wholesale, Inc.

Commissioner Toole moved to APPROVE the Multi-State Agreement between Qwest Corporation and Costco Wholesale, Inc., in Docket No. N2009.2.24. Commissioner Vincent seconded the motion, which passed unanimously.

(111) In the matter of N2009.2.25: On February 24, 2009, Qwest Corporation filed for Commission approval of a Multi-State Agreement between Qwest and UBS AG.

Commissioner Toole moved to APPROVE the Multi-State Agreement between Qwest Corporation and UBS AG in Docket No. N2009.2.25. Commissioner Vincent seconded the motion, which passed unanimously.

(112) In the matter of N2009.2.26: On February 24, 2009, Qwest Corporation filed for Commission approval of a Multi-State Agreement between Qwest and Liberty Mutual Insurance Company.

Commissioner Toole moved to APPROVE the Multi-State Agreement between Qwest Corporation and Liberty Mutual Insurance Company in Docket No. N2009.2.26. Commissioner Vincent seconded the motion, which passed unanimously.

(113) In the matter of N2009.2.27: On February 25, 2009, Sprint requested changes in its Montana P.S.C. Price List No. 1.

Commissioner Vincent moved to APPROVE Sprint's request in Docket N2009.2.27. Commissioner Toole seconded the motion, which passed unanimously.

(114) In the matter of N2009.2.28: On February 26, 2009, AT&T filed Tariff Transmittal 2009-04.

Commissioner Toole moved to APPROVE AT&T's Tariff Transmittal 2009-04 in Docket N2009.2.28. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(115) In the matter of T-09.7.OTSC: On February 23, 2009, an Order to Show Cause was issued to the PSC No. 899, Security Armored Express, Inc., Helena, Montana for failure to purchase a vehicle registration receipt for 2009 as required by §69-12-421 MCA.

Commissioner Toole moved to CANCEL PSC No. 899 for failure to purchase a vehicle registration receipt. Commissioner Vincent seconded the motion, which passed unanimously.

(116) In the matter of T-09.9.OTSC: On February 23, 2009, an Order to Show Cause was issued to PSC No. 3153, A & A Carriers, Inc., Great Falls, Montana for failure to purchase a vehicle registration receipt for 2009 as required by §69-12-421 MCA.

Commissioner Jergeson moved to CANCEL PSC No. 3153 for failure to purchase vehicle registration receipt. Commissioner Toole seconded the motion, which passed unanimously.

(117) In the matter of T-09.12.OTSC: On February 23, 2009, an Order to Show Cause was issued to PSC No. 8924, Kindred Nursing Centers West, LLC, d/b/a Parkview Acres Care & Rehabilitation Center, Dillon, Montana for failure to purchase a vehicle registration receipt for 2009 as required by §69-12-421 MCA.

Commissioner Vincent moved to CANCEL PSC No. 8924 for failure to purchase a vehicle registration receipt. Commissioner Gutsche seconded the motion, which passed unanimously.

(118) In the matter of the approval of Commission Minutes for the week of March 9, 2009.

Commissioner Toole moved to APPROVE the Commission Minutes for the week of March 9, 2009. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(119) In the matter of the Commission's discussion in Docket No. D2008.12.140: Cable & Communications Corporation.

Commissioner Toole moved to APPROVE the draft order recommended by staff in Docket No. D2008.12.140 on the Cable & Communications Corporation objection to data requests and MCC objection to responses. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Steve Cameron, Utility Division  
Al Brogan, Legal Division

(120) In the matter of the Commission's discussion in Docket No.D2008.12.139: Black Hills Power, Inc., Petition for certification of an eligible renewable resource and request for waivers.

MOTION 1: Commissioner Molnar moved to GRANT the petition and direct staff to draft an order certifying the Happy Jack Wind Farm located in Laramie County, Wyoming as an eligible renewable resource as defined in §69-3-2003(7)MCA, in Docket No. D2008.12.139. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 2: Commissioner Toole moved to DENY a waiver of filing requirements under the Montana Renewable Power Production and Rural Economic Development Act or PSC rules that are not material to its certification, and to DENY a permanent waiver of the obligation to purchase from community renewable energy projects. Commissioner Vincent seconded the motion, which passed with a vote of 4-1. Commissioner Molnar voted no.

APPEARANCE

Will Rosquist and Mike Lee, Utility Division  
Al Brogan, Legal Division

(121) In the matter of the Commission's discussion in Docket No.D2007.7.82: NorthWestern Energy Phase II cost of service and rate design proceeding.

Commissioner Toole moved to GRANT NorthWestern Energy's petition to vacate the hearing currently set for April 1, 2, and 3, 2009, establish, in the framework of the settlement, the deadline of July 31, 2009 to request comments or briefing on participation of Commissioners or commission staff in the settlement discussions by thirty days after the date of the order, and if a settlement is not reached by July 31, 2009, the issues would be rolled into the next rate case filing. Commissioner Molnar seconded the motion, which passed 4-1. Commissioner Vincent voted no.

APPEARANCE

Al Brogan, Legal Division

(122) In the matter of the Commission's discussion in Docket No.D2008.12.146: NorthWestern Energy's motion for a Protective Order regarding Coal Cost Information.

Commissioner Toole moved to GRANT in part and DENY in part NorthWestern's motion for a protective order regarding coal cost information, protection of the redacted portions of certain documents and invoices stamped confidential by the supplier is GRANTED, all other elements of the motion from NorthWestern Energy are DENIED. Commissioner Gutsche seconded the

motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(123) In the matter of the Commission's discussion in FERC Docket No. EL 09-29-000: NorthWestern Corporation and Mountain States Transmission Intertie, LLC.

Commissioner Molnar moved to APPROVE a PSC motion to late file an intervention request in FERC Docket EL 09-29-000 and EL 09-03-000. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator,  
Utility Division

Sarah Carlson, Public Relations

Al Brogan and Justin Kraske, Legal Division

(124) In the matter of the Commission's discussion of House Bill 641 for the 2009 Legislative Session:

Commissioner Toole moved to MONITOR House Bill 641. Commissioner Gutsche seconded the motion, which passed 3-2. Commissioners Molnar and Vincent voted no.

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

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GREG JERGESON, Chair

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KEN TOOLE, Vice Chair

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GAIL GUTSCHE, Commissioner

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BRAD MOLNAR, Commissioner

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JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart  
Commission Secretary

(SEAL)