

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, May 4, 2009, the following members were present:

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

APPEARANCE

Kate Whitney, Administrator,  
Utility Division

(188) In the matter of D2008.8.95: NorthWestern Energy application for approval to construct and operate Mill Creek Generating Station to supply regulation service.

MOTION 1: Commissioner Molnar moved to DELAY the decision for a period of ninety days and use a third party to test the markets and alternative bills and come back to the Commission.

The motion failed for lack of a second.

MOTION 2: Commissioner Jergeson moved that the PSC FINDS that the construction and rate-basing of prudently incurred costs of Mill Creek is in the public interest. Commissioner Vincent seconded the motion, which passed 4 to 1. Commissioner Molnar voted no.

MOTION 3: Commissioner Jergeson moved that the PSC APPROVE the \$81,000,000 turbine costs as prudently incurred. Commissioner Vincent seconded the motion, which passed unanimously.

MOTION 4: Commissioner Molnar moved to APPROVE set a rate on equity (ROE) of 10 per cent. Commissioner Gutsche seconded the motion.

SUBSTITUTE MOTION: Commissioner Vincent moved to APPROVE to establish a rate on equity (ROE) of 10.25 per cent. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 5: Commissioner Vincent moved to ACCEPT NorthWestern Energy's plan to implement a carbon off-set plan as required by §69-8-421(6)(e), MCA, and ARM 38.5.8228(2)(e). Commissioner Toole seconded the motion, which passed unanimously.

MOTION 6: Commissioner Jergeson moved that the PSC FINDS that NorthWestern Energy procure the electricity supply resource in a manner that is consistent with the requirements in §69-8-41, MCA, and commission rules. Commissioner Toole seconded the motion, which passed 4 to 1. Commissioner Molnar voted no.

MOTION 7: Commissioner Jergeson moved to ACCEPT the proposed 50 percent equity 50 percent debt capital structure. Commissioner Molnar seconded the motion, which passed unanimously.

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

---

GREG JERGSON, Chair

---

KEN TOOLE, Vice Chair

---

GAIL GUTSCHE, Commissioner

---

BRAD MOLNAR, Commissioner

---

JOHN VINCENT, Commissioner

ATTEST:

Judy Scheier  
Assistant 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, May 5, 2009, the following members were present:

Greg Jergeson, Chair  
Gail Gutsche, Commissioner  
Brad Molnar, Commissioner  
John Vincent, Commissioner via telephone

Ken Toole was absent but gave his proxy to Commissioner Jergeson.

APPEARANCE  
Scott Fabel, Utility Division

(189) In the matter of N2009.4.55: On April 17, 2009, Verizon Business Service filed Transmittal Letter No. 09-04.

Commissioner Gutsche moved to APPROVE Verizon's Transmittal Letter No. 09-04 in Docket N2009.4.55. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE  
Wayne Budt, Administrator  
Transportation & Centralized Services Division

(190) In the matter of T-09.25.ST: On March 26, 2009, Bearpaw River Expeditions, LLC, Missoula, Montana filed an application to transfer PSC No. 9461 to Capt N Trips, LLC, Missoula, Montana.

Commissioner Gutsche moved to APPROVE the transfer of PSC No. 9461 as requested. Commissioner Molnar seconded the motion, which passed unanimously.

(191) In the matter of TN2438: Wild Trout Outfitters, Inc. d/b/a Mountain Taxi, Big Sky Montana, requests permission to amend the "d/b/a" on PSC No. 8995 to read Wild Trout Outfitters, Inc. d/b/a Mountain Taxi and Yellowstone Touring Co.

Commissioner Vincent moved to APPROVE the amendment of the "d/b/a" on PSC No. 8995 as requested. Commissioner Gutsche seconded the motion, which passed unanimously.

(192) In the matter of the approval of Commission Minutes for the week of April 27, 2009:

Commissioner Molnar moved to APPROVE the Commission Minutes for the week of April 27, 2009. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(193) In the matter of the Commission's discussion of N2008.12.144: PSC Investigation of Qwest Quality of Service – Qwest's Motion for Issuance of a Protective Order:

Commissioner Gutsche moved to ISSUE a protective order for the listed issues. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division

(194) In the matter of D2009.4.46: NorthWestern Energy Corporation's Petition for Certification of an Eligible Renewable Resource.

Commissioner Molnar moved to CERTIFY Judith Gap Wind Project as an eligible renewable resource and to accept NorthWestern Energy's late-filed compliance filing. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Brian DeKiep, Utility Division

(195) In the matter of D2009.4.45: In the matter of the Proposed Adoption of Rules Regarding the Installation by Electric Utilities of Light-Emitting Diode (LED) Street and Area Lighting.

Commissioner Jergeson moved to CLOSE Docket No. D2009.4.45. Commissioner Molnar seconded the motion, which passed unanimously.

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

---

GREG JERGESON, Chair

---

KEN TOOLE, Vice Chair

---

GAIL GUTSCHE, Commissioner

---

BRAD MOLNAR, Commissioner

---

JOHN VINCENT, Commissioner

ATTEST:

Judy Scheier  
Assistant Commission Secretary

(SEAL)