

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, May 28, 2009, the following members were present:

Ken Toole, Vice Chair  
Gail Gutsche, Commissioner  
Brad Molnar, Commissioner, via telephone  
John Vincent, Commissioner, via telephone

Commissioner Jergeson was absent, but left his proxy with Commissioner Toole.

APPEARANCE  
Scott Fabel, Utility Division

(214) In the matter of N2009.5.64: On May 12, 2009, Hot Springs Telephone Co. request the Commission approve their request to withdrawal of its Internet Access Service Tariffs.

Commissioner Vincent moved to APPROVE Hot Springs Telephone Co. request to withdrawal its internet Access Service Tariffs in Docket N2009.5.64. Commissioner Gutsche seconded the motion, which passed unanimously.

(215) In the matter of D2009.5.59: On May 1, 2009, MDU Resources Group, Inc. applied for authority to issue up to 3,000,000 shares of its authorized but unissued Common Stock pursuant to MDU Resources' 401(k) Retirement Plan.

Commissioner Molnar moved to APPROVE MDU Resources' application to issue up to 3,000,000 shares of Common Stock pursuant to the Company's 401 (k) Retirement Plan. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE  
Wayne Budt, Administrator  
Transportation & Centralized Services Division

(216) In the matter of the approval of Commission Minutes for the week of May 18, 2009.

Commissioner Gutsche moved to approve the Commission Minutes for the week of May 18, 2009. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE  
Jim Paine, Legal Division

(217) In the matter of the Commission's discussion in Docket No. N2009.5.58: Lincoln Telephone Co., 2008 Annual Report, motion for Protective order.

MOTION 1: Commissioner Toole moved to deny the protective order for executive positions which oversee diverse activities for multiple work units or major organizational functions and which have responsibility for integrating work of multiple organizational units to align them with the company's established goals and objectives. Specifically, positions which: 1) Secure and allocate human and financial resources to accomplish goals; 2) Develop and establish organizational standards, goals, objectives, business plans and evaluate organizational performance; and 3) Are compensated in part by receiving equity shares or interest in the company. (Withdrawn) Commissioner Vincent seconded the motion.

MOTION 2: Commissioner Toole moved to direct staff to draft a motion and memorandum to challenge executive pay from protection. Commissioner Gutsche seconded the motion, which passed with a vote of 4-1. Commissioner Molnar voted no.

SUBSTITUTE MOTION: Commissioner Molnar moved to begin the rule making process for Schedule 27 protective order. Motion failed for lack of a second.

APPEARANCE

Mile Lee, Utility Division

(218) In the matter of the Commission's discussion in Docket No. D2009.4.56: MDU's 2009 cost of service ad rate design compliance filing.

Commissioner Gutsche moved to direct staff to begin the discovery process. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Administrator, Legal Division

Al Brogan, Legal Division

(219) In the matter of the Commission's discussion of National Conference of Regulatory Attorneys, direction of commission to host the NARUC conference in 2011 or 2012.

Commissioner Gutsche moved to authorize staff to volunteer to host the National Conference of Regulatory Attorney's 2010 or 2011 conference. Commissioner Toole seconded the motion, which passed unanimously.

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

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GREG JERGSON, 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)