

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 2, 2009, the following members were present:

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

APPEARANCE

Kate Whitney, Administrator,
Utility Division

(220) In the matter of N2009.5.65: On May 13, 2009, Qwest requested approval of its proposal to set the wholesale Performance Assurance Plan annual payment cap at the 2008 level of \$21,631,000 rather than re-calculating the payment cap yearly to a level that is 36% of Qwest's ARMIS net return as required by Section 12.1 of the QPAP.

Commissioner Molnar moved to APPROVE Qwest's request in Docket N2009.5.65 to set the wholesale QPAP annual payment cap at the 2008 level. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel, Utility Division

(221) In the matter of N2009.5.67: On May 14, 2009, Citizens filed Advice Letter No. MT-09-06.

Commissioner Gutsche moved to APPROVE Citizens' Advice Letter No. MT-09-06 in Docket No. N2009.5.67. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(222) In the matter of TN2439: Allen Charles Bowker and Melanie Jean Bowker dba Bowker Sanitation LLP, Culbertson, Montana, PSC No. 5039, has submitted a 2008 Annual Report with a verified statement in lieu of intrastate garbage operations, as required by 38.3.1205 MCA.

Commissioner Jergeson moved to APPROVE the verified statement and accept it in lieu of intrastate garbage revenue for 2008. Commissioner Molnar seconded the motion, which passed unanimously.

(223) In the matter of the approval of Commission Minutes for the week of May 25, 2009.

Commissioner Gutsche moved to APPROVE the Commission Minutes for the week of May 25, 2009. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan, Utility Division

(224) In the matter of the Commission's discussion in Docket No. D2009.3.31: Qwest Corporation and DSLnet Interconnection Agreement.

Commissioner Toole moved to APPROVE Qwest Corporation and DSLnet Interconnection Agreement in Docket No. D2009.3.31. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Brian DeKiep, Utility Division

(225) In the matter of the Commission's discussion in Docket No. D2008.7.74: Correction to Order 6956a.

Commissioner Molnar moved to ADOPT the final order correcting Real Levelized Payment Terms in MDU Rate 93 in Docket No. D2008.7.74. Commissioner Vincent 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:

Verna Stewart
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, June 5, 2009, the following members were present:

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

(226) In the matter of the Commission's discussion in Docket No. FCC 96-45: FCC Notice of Inquiry seeking comments on the Tenth Circuit's remand in Qwest II case.

Commissioner Toole moved to ADOPT and SUBMIT the reply comments in FCC-96-45 as drafted by staff with minor editing. Commissioner Gutsche 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:

Verna Stewart
Commission Secretary

(SEAL)