

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

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

Commissioner Toole and Commissioner Gutsche were absent, but assigned proxies to Commissioner Jergeson.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(289) In the matter of the approval of Commission Minutes for the week of July 27, 2009:

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

APPEARANCE

Gary Duncan, Utility Division
Jim Paine, Legal Division

(290) In the matter of the Commission's discussion in Docket No. D2004.3.39: Petition for suspension of FCC requirements to implement wireline/wireless number portability. Intermodal local number portability.

Commissioner Vincent moved to ISSUE the final order as recommended by staff and close the docket in Docket No. D2004.3.39. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Dave Burchett, Utility Division

(291) In the matter of the Commission's discussion in Docket No. D2008.8.96: Five Valley's Gas propane true-up of monthly tracker.

Commissioner Vincent moved to ISSUE order 6958a as drafted by staff with non-substantial edits in Docket No. D2008.8.96. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE
Al Brogan, Legal Division

(292) In the matter of the Commission's discussion in Docket No. D2007.11.131: Whitehall Wind, LLC complaint against NorthWestern Energy for failure to submit annual avoided cost rate information.

Commissioner Vincent moved to ISSUE the final order as drafted by staff subject to non-substantial edits in Docket No. D2007.11.131. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE
Kate Whitney, Administrator,
Utility Division

(293) In the matter of the Commission's discussion of out of state travel:

Commissioner Vincent moved to APPROVE travel for Joel Tierney to attend the national meeting of the National Association of Pipeline Safety Representatives, September 14-18 in Indianapolis, IN. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE
Robin McHugh, Administrator, Legal Division

(294) In the matter of the Commission's discussion in Docket No. D2002.8.100: Judicial Review of Order No. 6444c. Consider the e-mail inquiry from WHW on whether the PSC is willing to discuss settlement of the challenge to Order No. 6444c.

MOTION 1: Commissioner Jergeson moved to CLOSE the work session due to the recommendation of staff and litigation concerns. Commissioner Vincent seconded the motion, which passed unanimously.

MOTION 2: Commissioner Jergeson moved to ACCEPT staff recommendation to decline the invitation to engage in settlement discussions and proceed with the procedural schedule in the Montana Supreme Court case in Docket No. D2002.8.100. 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:

Verna Stewart
Commission Secretary

(SEAL)