

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 25, 2009, the following members were present:

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

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(317) In the matter of the approval of Commission Minutes for the week of August 17, 2009.

Commissioner Toole moved to APPROVE the Commission Minutes for the week of August 17, 2009. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division
Mike Lee, Utility Division

(318) In the matter of the Commission's discussion in Docket No. D2004.1.7: Sagebrush Cellular, Inc.

Commissioner Jergeson moved to APPROVE the final order as drafted by staff for Sagebrush Cellular, Inc.'s extension of time with minor edits in D2004.1.7. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division
Mike Lee and Steve Cameron, Utility Division

(319) In the matter of the Commission's discussion in Docket No. N2008.12.144: Qwest Quality Service-reporting requirements involving the Commission's investigation of Qwest service quality.

Commissioner Toole moved to instruct staff to DRAFT an order reflecting staff recommendations in Docket No. N2008.12.144. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division
Dave Burchett, Utility Division

(320) In the matter of the Commission's discussion in Docket No. D2008.12.142:
NorthWestern Energy-Townsend rate increase for propane and propane tracking mechanism.

MOTION1: Commissioner Molnar moved to INCLUDE draft Findings of Fact 15-21 into the final draft order in Docket No. D2008.12.142. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 2: Commissioner Vincent moved to ISSUE the final draft order subject to minor editing changes in Docket No. D2008.12.142. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division
Brian DeKiep, Utility Division

(321) In the matter of the Commission's discussion in Docket No. D2009.5.61: Electric City Power- certification of co-generation facility located at the wastewater treatment plant as an eligible renewable resource.

Commissioner Jergeson moved to DIRECT staff to prepare a final order approving staff recommendations 1-5 in Docket No. D2009.5.61. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator,
Utility Division

(322) In the matter of the Commission's discussion of Comments to Energy and Telecommunications Interim Committee:

MOTION 1: Commissioner Molnar moved to RECOMMEND that the Major Facility Citing Act be amended to reinstitute economic considerations on the native load and that the PSC be granted authority for project lines that were built and paid for by the people of Montana and intended to service the native loads of Montana inserted into the recommendations to ETIC. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 2: Commissioner Vincent moved to APPROVE and submit the letter to the Energy and Telecommunications Interim Committee with the amendment just adopted. Commissioner Gutsche seconded the motion which passed unanimously.

APPEARANCE

Sarah Carlson, Public Relations

(323) In the matter of the Commission's discussion of Department of Energy State Electricity Regulators Assistance Grant:

Commissioner Gutsche moved to SUBMIT the grant application to the Department of Energy as drafted. Commissioner Toole seconded the motion, which passed 4-1. Commissioner Molnar voted no.

APPEARANCE

Justin Kraske, Legal Division

Phil Cooke, Tina Shorten, Lori Sandru and Vickie Duncan, Consumer Division

(324) In the matter of the Commission's discussion of Medical exception rulemaking:

MOTION 1: Commissioner Toole moved to APPROVE the addition of physician, DO, physician assistant and nurse practitioner to the language of the rule. Commissioner Gutsche seconded the motion, which passed unanimously.

MOTION 2: Commissioner Molnar moved to PLACE a period (.) after the word "warrant" and strike, "that variances will not be routinely granted." Commissioner Gutsche seconded the motion, which passed unanimously.

MOTION 3: Commissioner Toole moved to ISSUE the rulemaking notice prepared by staff with the Secretary of State's office. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

Phil Cooke and Lori Sandru, Consumer Division

(325) In the matter of the Commission's discussion in Docket No. N2008.8.101: Medical emergency rule application.

Commissioner Toole moved to APPROVE the staff recommendation of a monthly payment arrangement of \$450.00 a month and direct staff to draft the appropriate Notice of Commission Action in Docket No. N2008.8.101. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE
Jim Paine, Legal Division

(326) In the matter of the Commission's discussion in Docket No. T-09.28.OTH: Kalispell Taxi operating authority.

Commissioner Toole moved to APPROVE and issue the order as drafted subject to minor editing charges and DENY the lease in Docket T-09.28.OTH. 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)