

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, September 15, 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
Scott Fabel, Utility Division

(340) In the matter of N2009.8.111: On August 18, 2009, Verizon Business Services filed Transmittal Letter No. 09-08 Montana Tariff No. 3.

Commissioner Vincent moved to APPROVE Verizon's Transmittal Letter No. 09-08 in Docket N2009.8.111. Commissioner Toole seconded the motion, which passed unanimously.

(341) In the matter of N2009.8.112: On August 21, 2009, CenturyTel filed Tariff Transmittal No. 09-03.

Commissioner Toole moved to APPROVE CenturyTel's Tariff Transmittal No. 09-03 in Docket N2009.8.112. Commissioner Gutsche seconded the motion, which passed unanimously.

(342) In the matter of N2009.8.114: On August 27, 2009, Central Montana Communications requested modifications to its tariffs.

Commissioner Toole moved to APPROVE Central Montana Communications requested modifications to its tariffs as requested in N2009.8.114. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE
Wayne Budt, Administrator
Transportation & Centralized Services Division

(343) In the matter of the approval of Commission Minutes for the week of September 8, 2009.

Commissioner Toole moved to APPROVE the Commission Minutes for the week of September 8, 2009. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE
Jesse Rumble, Public Comment

(344) In the matter of Public Comment: Public Comment was given by Jesse Rumble of Classic Limo, Bozeman, Montana, regarding interactions with commission staff and enforcement of rules.

APPEARANCE

Jim Paine, Legal Division
Gary Duncan, Utility Division

(345) In the matter of the Commission's discussion of Central Montana Communications request for FCC filing seeking audit of Alltel.

Commissioner Jergeson moved to APPROVE Central Montana Communications request seeking an FCC audit. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division
Leroy Beebe, Utility Division

(346) In the matter of the Commission's discussion in Docket No. D2007.9.117: Landmark Water Co. interim rate increase.

Commissioner Vincent moved to APPROVE the interim order subject to minor editing in Docket No. D2007.9.117. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division
Jim Paine, Legal Division

(347) In the matter of the Commission's discussion of Motor Carrier definitions:

Commissioner Molnar moved to CONDUCT a roundtable discussion proceeded by a written comment period. Commissioner Jergeson seconded the motion, which passed 4-1. Commissioner Toole voted no.

APPEARANCE

Justin Kraske, Legal Division
Mike Lee, Utility Division

(348) In the matter of the Commission's discussion in Docket No. D2008.9.111: Commission investigation of Alltel's Compliance with ETC designation.

Commissioner Jergeson moved to DIRECT staff to draft an order granting Alltel Communications up to a three year extension of time to meet the requirements of Orders 6492a and 6492b with the following conditions placed on that waiver.

- 1) Alltel is required to analyze and document to the Commission, within six months of the date of this order, the restrictions and constraints that prevent it from achieving 98% population coverage in wire centers in which it has not met the coverage requirement. Alltel is required to file every six months for as long as it is an ETC, wire center specific population coverage progress reports which document its progress towards the objective of achieving and maintaining 98% population coverage in each wire center and indicate its incremental tower and coverage expansions.
- 2) Alltel is required to achieve at least 98% compliance in the wire centers in which it currently covers between 95% and 98% of the population of the wire center by September 1, 2010. In addition, Alltel is required to document to the Commission what it believes is a reasonable coverage standard in those wire centers in which it has not reached 98% coverage and what plans it has to reach reasonable coverage in those wire centers within the three year extension. The PSC will make the final determination what is the reasonable coverage standard.
- 3) If Alltel believes it is unable to reach the 98% population coverage in each wire center within the three year extension, it must make a filing by September 1, 2011 seeking a permanent waiver in those wire centers in which it believes it cannot reasonably meet the 98% coverage requirement.
- 4) Alltel is required to ensure that all documentation and analysis produced in response to this investigation docket and any subsequent order is provided to, and explained to the appropriate employees of any acquiring company to maintain a smooth transition.
- 5) Failure to meet these conditions may result in the Commission deciding to decertify Alltel or its acquiring company as an ETC in some or all wire centers during this three year extension.

Commissioner Toole 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)