

Minutes for the week of November 9, 2009

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, November 10, 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

(414) In the matter of N2009.10.138: On October 23, 2009, Qwest LD Corporation (QLDC) filed Tariff Transmittal QLDC 09-04, Qwest Choice Unlimited Plan-Business, QLDC is requesting to remove a discount for Qwest Choice Unlimited Plan-Business customers who sign up for a 1, 2 or 3-year term commitment. There are no customers currently on this offer.

Commissioner Toole moved to APPROVE QLDC Tariff Transmittal QLDC 09-04 in Docket N2009.10.138. Commissioner Gutsche seconded the motion, which passed 5-0.

(415) In the matter of N2009.10.139: On October 23, 2009, Qwest Communication Company (QCC) filed Tariff Transmittal QCC 09-04, Qwest Choice Unlimited Plan-Business. QCC is requesting to remove a discount for Qwest Choice Unlimited Plan-Business customers who sign up for a 1, 2 or 3-year term commitment. There are no customers currently on this offer.

Commissioner Toole moved to APPROVE QCC Tariff Transmittal QCC 09-04 in Docket N2009.10.139. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Eric Eck, Utility Division

(416) In the matter of N2009.10.140: On October 2, 2009, NorthWestern Energy filed an application seeking authority to accumulate the under and over collections of MPSC and MCC taxes starting on October 1, 2009.

Commissioner Toole moved to GRANT NorthWestern Energy's request to accrue under and over collections of the MPSC and MCC tax decreases until the next general rate case. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Division

(417) In the matter of TN2455: Wild Trout Outfitters, Inc. d/b/a Mountain Taxi & Yellowstone Touring Co., Big Sky, Montana requests permission to lease PSC No. 8995 to Lightning Ram, Inc. d/b/a Shuttle to Big Sky & Taxi, Big Sky, Montana for the period of November 10, 2009 to

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Commissioner Toole moved to APPROVE the lease of PSC No. 8995 as requested. Commissioner Gutsche seconded the motion, which passed unanimously.

(418) In the matter of the approval of Commission Minutes for the week of November 2, 2009:

Commissioner Toole moved to APPROVE the Commission Minutes for the week of November 2, 2009. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(419) In the matter of the Commission's discussion of D2006.10.146: Salish Shores Utility Corporation amended application to increase rates for water service in its Sanders County, Montana service area. On October 26, 2009, Salish Shores filed a Motion for Protective Order.

Commissioner Gutsche move to GRANT the Motion for Protective Order. Commissioner Toole seconded the motion, which passed unanimously.

(420) In the matter of the Commission's discussion of D2006.7.108: Westech Energy Corporation/KWB Pipeline application to establish initial rates and charges for natural gas transportation service.

MOTION 1: Commissioner Vincent moved to GRANT Harley Harris' motion to withdraw as counsel and to DENY the motion for stay of proceedings. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 2: Commissioner Toole moved to DENY KWB's motion to dismiss Sonalta as an intervenor in this docket. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Mike Lee and Will Rosquist, Utility Division

Robin McHugh, Legal Division

(421) In the matter of the Commission's discussion of D2009.9.129: General rate case filing, to discuss whether NorthWestern Energy's filing is in compliance with the Administrative Rules of Montana and to discuss NorthWestern Energy's October 30, 2009 Motion to Supplement its general rate case filing.

MOTION 1: Commissioner Toole moved to REJECT NorthWestern Energy's filing in D2009.9.129 because the filing is deficient and it does not comply with minimum filing requirements and the filing date is not preserved. Commissioner Gutsche seconded the motion, which passed unanimously.

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MOTION 2: Commissioner Toole moved to DENY NorthWestern Energy's Motion to Supplement in its general rate case filing. Commissioner Molnar seconded the motion, which passed unanimously.

This matter was continued to November 12, 2009 to consider the language of the Notice of Commission Action.

APPEARANCE

Joel Tierney, Utility Division

(422) In the matter of the Commission's discussion of applying for a 2010 Federal One Call Grant to help the Montana Utility Coordinating Council with implementing new reporting requirements.

Commissioner Vincent moved to APPROVE the applying for a 2010 federal one call grant. Commissioner Toole seconded the motion, which passed 4 to 1. Commissioner Molnar voted no.

APPEARANCE

Justin Kraske, Legal Division

(423) In the matter of the Commission's discussion of T-09.24.PCN: Ron Kindsfather d/b/a Limo Scene Limousine Service application for a Certificate of Public Convenience and Necessity.

Commissioner Molnar moved to DENY Limo Scene's application request. Commissioner Toole seconded the motion, which passed unanimously.

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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:

Judy Scheier
Assistant Commission Secretary

(SEAL)

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At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, November 12, 2009, the following members were present:

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

Commissioner John Vincent left his proxy with Commissioner Toole.

APPEARANCE
Mike Lee, Utility Division

(424) In the matter of the Commission's discussion of D2009.9.129: NorthWestern Energy general rate case filing:

Commissioner Toole moved to APPROVE the Notice of Commission Action with amendments as explained by staff. Commissioner Gutsche seconded the motion, which passed unanimously.

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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:

Judy Scheier
Assistant Commission Secretary

(SEAL)