

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, January 21, 2010, the following members were present:

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

APPEARANCE

Eric Dahlgren, Utility Division

(19) In the matter of N2010.1.2: On January 6, 2010, Montana-Dakota Utilities Co. filed a natural gas tariff sheet titled Thermal Zone Boundaries (Volume No. 6, 5th Revised Sheet No. 4).

Commissioner Molnar moved to APPROVE the modification of Heating Zone 14, addition of Heating Zone 141 and addition of Heating Zone 142. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Administrator, Legal Division

(20) In the matter of D2005.11.163 & D2005.11.164: Vote Change Utility Solutions. Commissioner Molnar seeks to change his January 6, 2010, vote concerning the identification of additional issues in these dockets.

Commissioner Vincent moved to APPROVE Commissioner Molnar's request to change his January 6, 2010, vote on the motion in this matter to NO. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(21) In the matter of the approval of Commission Minutes for the week of January 11, 2010.

Commissioner Toole moved to APPROVE the Commission Minutes for the week of January 11, 2010. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Commissioner Toole and Commissioner Gutsche

(22) In the matter of the Commission's discussion of Ring fencing: Discuss holding a round table or other mechanism to help generate commission priorities and concerns regarding

effective ring fencing of utility assets from non regulated business activities.

Commissioner Toole moved to PROCEED to a round table. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division

(23) In the matter of the Commission's discussion in Docket No. D2009.11.151: NorthWestern Energy petition for declaratory ruling certifying Turnbull Project as a community renewable energy project.

Commissioner Toole moved to ISSUE a declaratory ruling certifying that if Turnbull Project is constructed as represented in the facts, and if it is owned as represented and the size of those owners don't change, and if there is no existing hydro generation existing on the irrigation canal that it would be a community renewable energy project. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division
Leroy Beeby, Utility Division

(24) In the matter of the Commission's discussion in Docket No. D2005.11.163 & D2005.11.164: Utility Solutions, LLC applications for permanent water and sewer rates.

Commissioner Vincent moved to DENY Utility Solutions, LLC's motion to partially vacate the procedural order, GRANT the motion to change hearing date and set the hearing date for April 7, 2010. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division

(25) In the matter of the Commission's discussion in Docket No. D2009.11.152: Utility Solutions request for an order that declares that it has no jurisdiction of the transfer of assets set forth in the acquisition agreement or declare that there is no compelling reason for it to exercise jurisdiction over the transfer of assets set forth in the acquisition agreement.

Commissioner Vincent moved to DENY Utility Solutions, LLC's petition for declaratory ruling, direct staff to establish a procedural schedule for contested case proceedings, to inform Utility Solutions, LLC that it is highly unlikely that the commission can hold a hearing and issue a decision in this matter prior to the end of March 2010. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division
Leroy Beeby, Utility Division

(26) In the matter of the Commission's discussion in Docket No. D2009.12.155: NorthWestern Energy application for automatic rate adjustment and tracking for taxes and fees.

Commissioner Vincent moved to issue the order as indicated along with the changes indicated by staff in paragraph 30. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division
Mike Lee, Utility Division

(27) In the matter of the Commission's discussion of FCC CC 96-45: Further notice of proposed rulemaking, discuss filing of commission comments.

Commissioner Jergeson moved to not plan to FILE initial comments in the proposed rulemaking FCC and that we do plan to file reply comments in this proceeding and direct staff to begin at their earliest opportunity to draft those reply comments. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division
Phil Cooke, Utility Division

(28) In the matter of the Commission's discussion in Docket No. D2009.6.84: John Vogele complaint against Qwest.

Commissioner Vincent moved to DISMISS the complaint and issue the final order as drafted. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(29) In the matter of the Commission's discussion of Chris Frideres complaint against NorthWestern Energy.

Commissioner Vincent moved to ACCEPT the complaint of Mr. Frideres and proceed accordingly. Commissioner Gutsche seconded the motion, which passed unanimously.

(30) In the matter of the Commission's discussion in Docket No. D2009.6.91: Energy West Montana, application for continuation of environmental surcharge.

Commissioner Jergeson moved to ISSUE the final order to approve elimination of the surcharge subject to minor editing in Docket No. D2009.6.91. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Commissioner Gutsche
Sarah Carlson, Public Relations
Phil Cooke, Utility Division

(31) In the matter of the Commission's discussion of NARUC energy efficiency.

Commissioner Gutsche moved to PARTICIPATE in NARUC's "Anybody Can Serve, So Let's Conserve," contingent upon NARUC funding. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator, Utility Division

(32) In the matter of the Commission's discussion of Out of state travel.

Commissioner Toole moved to APPROVE staff travel for Brian DeKiep to attend WGA/WECC State-Provincial Steering Committee meeting in Salt Lake City, Utah on January 29, 2010. 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)