

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, October 14, 2010, the following members were present:

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

APPEARANCE

Kate Whitney, Administrator
Regulatory Division

(308) In the matter of the approval of Commission Minutes for the week of October 4, 2010:

Commissioner Vincent moved to APPROVE the Commission Minutes for the week of October 4, 2010. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan, Regulatory Division

(309) In the matter of D2008.6.64: Qwest Corporation/XO Communications Services, Inc.- Interconnection Agreement Amendment.

Commissioner Toole moved to APPROVE the interconnection agreement amendment between Qwest Corporation and XO Communications, Inc. in Docket No. D2008.6.64. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan, Regulatory Division

(310) In the matter of the Commission's discussion in Docket No. D2010.7.71 and D2010.7.72: Qwest Corporation, Bellerud Communications, LLC, and American Dial Tone, Inc., Interconnection Agreements.

Commissioner Toole moved to APPROVE the Qwest Corporation/Bellerud Communications, LLC interconnection agreement in Docket No. D2010.7.71, and the Qwest Corporation/American Dial Tone interconnection agreement in Docket No. D2010.7.72. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division
Joel Tierney, Regulatory Division

(311) In the matter of the Commission's discussion of annual rulemaking to update pipeline safety administrative rules.

Commissioner Vincent moved to DIRECT staff to file the rulemaking notice on pipeline safety with the Secretary of State. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Regulatory Division
Justin Kraske, Legal Division

(312) In the matter of the Commission's discussion of Contracts for Natural Gas Heat content monitoring:

Commissioner Toole moved to APPROVE and ISSUE the contracts as drafted for Natural Gas Heat Content monitoring. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator
Regulatory Division
Eric Dahlgren, Regulatory Division

(313) In the matter of the Commission's discussion of 2011 Legislature:

MOTION 1: Commissioner Molnar moved to DIRECT staff to draft a QF related Legislative draft. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 2: Commissioner Vincent moved to DIRECT staff to put the three proposed motor carrier bills into bill draft form consistent with staff suggestions and revisit the Commission for a decision. The motion was amended to address the second and third drafts and to address the first draft after the rulemaking on the definition of a charter service. Commissioner Toole seconded the motion, which passed unanimously.

ALTERNATIVE MOTION: Commissioner Molnar moved to ADDRESS the second and third bill requests and ADDRESS the first after the rulemaking on the definition of a charter service. Motion was withdrawn.

APPEARANCE

Al Brogan, Administrator
Legal Division
Eric Dahlgren, Regulatory Division

(314) In the matter of the Commission's discussion in Docket No. T-10.31.COM: Complaint against Jessie Rumble, individually, Jessie Rumble, managing director/CEO of Rumble, Inc.,

d/b/a Rumble, Inc., d/b/a Classic Limo.

Commissioner Toole moved to ACCEPT the complaint and SERVE the complaint on the main parties in accordance with staff recommendation to exclude Jessie Rumble individually in Docket No. T-10.31.COM. Commissioner Jergeson seconded the motion, which passed 3-2. Commissioners Molnar and Vincent voted no.

APPEARANCE
Al Brogan, Administrator
Legal Division

(315) In the matter of the Commission's discussion in Docket No. D2010.7.77: NorthWestern Energy application for approval of avoided cost tariff for new qualifying facilities.

MOTION 1: Commissioner Jergeson moved to GRANT NorthWestern Energy's motion for a protective order in Docket No. D2010.7.77. Commissioner Toole seconded the motion, which passed 4-1. Commissioner Vincent voted no.

MOTION 2: Commissioner Gutsche moved to OVERRULE NorthWestern Energy's objection to data request MSIRG-003(a) in Docket D2010.7.77. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 3: Commissioner Vincent moved to DENY Sagebrush Energy's petition for late intervention without prejudice in Docket No. D2010.7.77. Commissioner Molnar seconded the motion, which passed unanimously.

(316) In the matter of the Commission's discussion in Docket No. CDV 2010-945: Mountain Water's complaint and petition for judicial review.

MOTION 1: Commissioner Toole moved to DEFEND the Commission's position in Mountain Water's complaint and requested judicial review in District Court Cause No. CDV 2010-945. Commissioner Gutsche seconded the motion, which passed 4-1. Commissioner Molnar voted no.

MOTION 2: Commissioner Vincent moved to CLOSE the work session to discuss litigation strategy pursuant to §2-3-203(4)(a), MCA. Commissioner Jergeson seconded the motion, which passed 4-1. Commissioner Molnar voted no.

MOTION 3: Commissioner Toole moved to file a motion to substitute the assigned judge and authorize the expenditure of \$100 as a filing fee in District Court Case No. CDV 2010-945. Commissioner Gutsche seconded the motion, which passed 4-1. Commissioner Molnar voted no.

MOTION 4: Commissioner Toole moved to AUTHORIZE staff to discuss with Mountain Water's counsel the possibility of settlement with respect to Mountain Water's request for

preliminary injunction in District Court Case No. CDV 2010-945. 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)