

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 9, 2010, the following members were present:

Greg Jergeson, Chair
Gail Gutsche, Commissioner
Brad Molnar, Commissioner
John Vincent, Commissioner

Commissioner Toole was excused, but left his proxy with Commissioner Jergeson.

APPEARANCE
Kate Whitney, Administrator
Regulatory Division

(335) In the matter of the approval of Commission Minutes for the week of November 1, 2010.

Commissioner Vincent moved to APPROVE the Commission Minutes for the week of November 1, 2010. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE
Scott Fabel, Regulatory Division

(336) In the matter of N2010.10.100: On October 18, 2010, NorthWestern Energy filed an application seeking authority to accumulate the under and over collections of MPSC and MCC taxes starting on October 1, 2010.

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

(337) In the matter of N2010.10.101: On October 20, 2010 Citizens filed advice letter numbered MT-10.05.

Commissioner Gutsche moved to APPROVE Citizen's Advice Letter No. MT-10-05 in Docket N2010.10.101. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE
Eric Dahlgren, Regulatory Division

(338) In the matter of TN2483: Lame Deer Health Center, Lame Deer, Montana, Lessee of PSC No. 9413, requests permission to self insure for liability purposes as allowed for under 38.3.708.

Commissioner Gutsche moved to APPROVE self insurance as requested. Commissioner Vincent seconded the motion, which passed unanimously.

(339) In the matter of TN2484: C. B. Geier, Helena, Montana and Tiger Express of Montana, Inc., Helena, Montana request permission to terminate the lease of PSC No. 3584 effective immediately.

Commissioner Gutsche moved to APPROVE the termination of the lease as requested. Commissioner Vincent seconded the motion, which passed unanimously.

(340) In the matter of TN2485: C.B. Geier, Helena, Montana requests permission to lease PSC No. 3584 to Mad Dash Montana Delivery Courier & Moving Services, Inc., Helena, Montana for the period November 9, 2010 to May 9, 2011.

Commissioner Vincent moved to APPROVE the lease as requested. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(341) In the matter of the Commission's discussion in Docket No.D2005.5.55: CenturyLink/Qwest merger application.

Jim Paine updated the commission on the status of merger settlement negotiations among the parties and intervenors.

APPEARANCE

Gary Duncan, Regulatory Division

(342) In the matter of the Commission's discussion in Docket No. D2010.8.81: Qwest Corporation and Unite Private Networks, LLC, interconnection agreement.

Commissioner Vincent moved to APPROVE the interconnection agreement between Qwest Corporation and Unite Private Networks, LLC, in Docket No. D2010.8.81. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Sarah Norcott, Legal Division

(343) In the matter of the Commission's discussion in Docket No. D2010.9.98: Treeline Springs, LLC, application for increased rates to water and wastewater service.

Commissioner Vincent moved to DIRECT staff to enter an appearance on behalf of the Commission in the Treeline Springs' Bankruptcy filing in Docket No. D2010.9.98. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(344) In the matter of the Commission's discussion in Docket No. D2010.4.41: Mountain Water Company application to increase rates and charges for water service.

Commissioner Gutsche moved to GRANT the protective order as recommended by staff until District Court case CDV 2010-945 is decided in Docket No. D2010.4.41. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Brian DeKiep, Regulatory Division

(345) In the matter of the Commission's discussion of FERC NOPR RM 10-23. OMS comments to FERC on transmission planning and cost allocations.

Commissioner Jergeson moved to JOIN the OMS reply comments to FERC on transmission planning and cost allocation Notice of Proposed Rulemaking (NOPR), and give the delegate the authority to field any amendments. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Administrator, Legal Division
Eric Dahlgren, Regulatory Division

(346) In the matter of the Commission's discussion in Docket No. T-10.35.COM: Karst Stage, Inc., complaint against Rumble, Inc., d/b/a Classic Limo.

Commissioner Jergeson moved to DIRECT staff to notice the complaint to Rumble, Inc., in Docket No. T-10.35.COM. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Molnar voted no.

APPEARANCE

Al Brogan, Administrator, Legal Division
Eric Dahlgren, Regulatory Division
Kate Whitney, Administrator,
Regulatory Division

(347) In the matter of the Commission's discussion of 2011 Legislature.

MOTION 1: Commissioner Gutsche moved to SECURE the introduction of this bill draft request on the PSC tax on motor carriers. Commissioner Jergeson seconded the motion, which passed unanimously.

MOTION 2: Commissioner Jergeson moved to SUBMIT the bill draft to exempt certain motor carriers from PSC regulation. Commissioner Gutsche seconded the motion, which passed 3-2. Commissioner Molnar and Commissioner Vincent voted no.

ALTERNATIVE MOTION: Commissioner Molnar moved to reconsider bill draft number two after the hearing tomorrow. Died for a lack of a second.

MOTION 3: Commissioner Vincent moved to submit the bill draft to revise § 69-3-603(2), MCA. Commissioner Jergeson 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)