

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, February 15, 2011, the following members were present:

Bill Gallagher, Chairman
Travis Kavulla, Commissioner, via telephone
John Vincent, Commissioner, via telephone

Brad Molnar and Gail Gutsche were excused.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division
Sarah Norcott, Legal Division

(109) In the matter of Senate Bill 330 for the 2011 Legislative Session.

Commissioner Kavulla moved to MONITOR SB 330 with the proviso to revisit this bill with the full commission. Commissioner Gallagher seconded the motion, which passed 3-0. Commissioners Molnar and Gutsche were excused.

There being no further business to come before the Commission the meeting was adjourned.

W.A. GALLAGHER, Chairman

BRAD MOLNAR, Vice Chairman

GAIL GUTSCHE, Commissioner

TRAVIS KAVULLA, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Wednesday, February 16, 2011, the following members were present:

Bill Gallagher, Chairman
Brad Molnar, Vice Chairman
Gail Gutsche, Commissioner, via telephone
Travis Kavulla, Commissioner, via telephone
John Vincent, Commissioner, via telephone

APPEARANCE

Kate Whitney, Administrator, Regulatory Division
Sarah Norcott and Justin Kraske, Legal Division

(110) In the matter of House Bill 543 for the 2011 Legislative Session.

Commissioner Gutsche moved to OPPOSE HB 543. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Kavulla voted Nay.

(111) In the matter of Senate Bill 307 for the 2011 Legislative Session.

No action and no objections to remove from the PSC list.

(112) In the matter of House Bill 320 for the 2011 Legislative Session.

Commissioner Gallagher moved to MONITOR HB 320. Commissioner Kavulla seconded the motion, which passed unanimously.

(113) In the matter of Senate Bill 332 for the 2011 Legislative Session.

Commissioner Kavulla moved to OPPOSE SB 332. Commissioner Gallagher seconded the motion, which passed with a vote of 3-2. Commissioner Gutsche and Commissioner Vincent voted Nay.

ALTERNATE MOTION: Commissioner Gutsche moved to amend the motion to MONITOR SB 332. Commissioner Vincent seconded the motion, which failed 2-3. Commissioner Gallagher, Commissioner Molnar and Commissioner Kavulla voted Nay.

(114) In the matter of Senate Bill 350 for the 2011 Legislative Session.

Commissioner Gutsche moved to MONITOR SB 350. Commissioner Vincent seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

W.A. GALLAGHER, Chairman

BRAD MOLNAR, Vice Chairman

GAIL GUTSCHE, Commissioner

TRAVIS KAVULLA, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, February 17, 2011, the following members were present:

Bill Gallagher, Chairman
Brad Molnar, Vice Chairman
Gail Gutsche, Commissioner, via telephone
John Vincent, Commissioner, via telephone

Commissioner Kavulla was excused, but left his proxy with Commissioner Gallagher.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(115) In the matter of the approval of Commission Minutes for the week of January 31, 2011.

Commissioner Vincent moved to APPROVE the Commission Minutes for the week of January 31, 2011. Commissioner Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel, Regulatory Division

(116) In the matter of N2011.1.10: On January 27, 2011, Central Montana Communications requested to modify its tariff.

Commissioner Gallagher moved to APPROVE Central Montana Communications request in Docket N2011.1.10. Commissioner Molnar seconded the motion, which passed unanimously.

(117) In the matter of N2011.1.11: On January 26, 2011, Citizens filed Advice Letter No. MT-11-01.

Commissioner Gutsche moved to APPROVE Citizens Advice Letter No. MT-11-01 in Docket N2011.1.11. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Regulatory Division

(118) In the matter of TN2495: Bayside Disposal, Inc., d/b/a Disposal Service of Montana, Lewistown Montana, on February 3, 2011, requested to continue the lease of PSC No. 9412 to the City of Cut Bank, a Municipal Entity, Cut Bank, Montana, for a one year period, January 18, 2011 to January 18, 2012.

Commissioner Gallagher moved to APPROVE the continued lease of PSC No. 9412 as requested. Commissioner Molnar seconded the motion, which passed unanimously.

(119) In the matter of TN2496: Medical Transportation Services d/b/a Northern Cheyenne Board of Health, Lame Deer, Montana, on February 9, 2011, requested to continue the lease of PSC No. 9413 to Lame Deer Health Center, Lame Deer, Montana, for the period January 5, 2011 to January 5, 2012.

Commissioner Molnar moved to APPROVE the continued lease of PSC No. 9413 as requested. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Mike Dalton, Regulatory Division

(120) In the matter of the Commission's discussion in Docket No. D2010.10.102: 3 Rivers Telephone Cooperative, Inc., MTPCS, LLC d/b/a Cellular One. Interconnection Agreement.

Commissioner Gallagher moved to APPROVE the 3 Rivers and MTPCS interconnection agreement in Docket No. D2010.10.102. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(121) In the matter of the Commission's discussion in Docket No. D2009.12.156: Aquanet, Inc., application for authority to implement increased rates for water and sewer service to Billings, Montana service area. Motion for protective order.

Commissioner Molnar moved to GRANT Aquanet, Inc's, Motion for Protective Order in Docket No. D2009.12.156. Commissioner Vincent seconded the motion, which passed unanimously.

(122) In the matter of the Commission's discussion in Docket No. D2010.9.90: Energy West Montana application to establish increased service rates. Motion for protective order.

Commissioner Vincent moved to APPROVE Energy West Montana's Motion for Protective Order in Docket No. D2010.9.90. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

Al Brogan, Administrator, Legal Division

Jim Paine, Legal Division

(123) In the matter of House Bill 581 for the 2011 Legislative Session.

Commissioner Gallagher moved to MONITOR HB 581. Commissioner Molnar seconded the motion, which passed 4-0. Commissioner Kavulla abstained.

(124) In the matter of Senate Bill 344 for the 2011 Legislative Session.

Commissioner Gutsche moved to OPPOSE with information on SB 344. Commissioner Vincent seconded the motion, which passed 3-1. Commissioner Gallagher voted Nay. Commissioner Kavulla abstained.

ALTERNATE MOTION: Commissioner Gallagher moved to amend the motion to MONITOR SB 344 and to provide information as to the impact of the bill from the Public Service Commission. Commissioner Molnar seconded the motion, which failed 2-2. Commissioner Gutsche and Commissioner Vincent voted Nay. Commissioner Kavulla abstained.

(125) In the matter of Senate Bill 347 for the 2011 Legislative Session.

Commissioner Gutsche moved to OPPOSE SB 347. Commissioner Vincent seconded the motion, which passed 4-0. Commissioner Kavulla abstained.

Discussion: Fiscal impacts on SB 344 and SB 347: Kate Whitney discussed the agency impact of fiscal notes on SB 344 and SB 347, and to indicate the impact as an unknown with an explanation under technical concerns.

SB 347 requires a qualified person to develop the takings impact assessment and is an unknown for the fiscal note.

There being no further business to come before the Commission the meeting was adjourned.

W.A. GALLAGHER, Chairman

BRAD MOLNAR, Vice Chairman

GAIL GUTSCHE, Commissioner

TRAVIS KAVULLA, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)