

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, May 31, 2011, the following members were present:

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

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(248) In the matter of the approval of Commission Minutes for the week of May 9, 2011.

Commissioner Gutsche moved to APPROVE the Commission Minutes for the week of May 9, 2011. Commissioner Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Mike Dalton, Regulatory Division

(249) In the matter of N2011.3.28: On March 25, 2011, Southern Montana Telephone Company, pursuant to §69-3-901, et seq., MCA, provided to the Montana Public Service Commission a Notice of Proposed Increase in Local Rates.

Commissioner Vincent moved to CERTIFY, pursuant to Section 69-3-907(1), MCA, that neither affected subscribers nor the Montana Consumer Counsel has petitioned the Commission for review of the proposed rate increase and, therefore, the increase in rates was effective May 27, 2011. Commissioner Kavulla seconded the motion, which passed unanimously.

(250) In the matter of D2007.12.149: CenturyLink has filed for approval with this Commission an amendment to the existing interconnection agreement between CenturyLink and MontanaSky Networks in Docket No. D2007.12.149.

Commissioner Kavulla moved to APPROVE the interconnection agreement between CenturyLink and MontanaSky Networks in Docket No. D2007.12.149. Commissioner Gutsche seconded the motion, which passed unanimously.

(251) In the matter of D2000.11.200: Qwest Corporation has filed for approval with this Commission an amendment to the existing interconnection agreement between Qwest and OneEighty Communications in Docket No. D2000.11.200.

Commissioner Gutsche moved to APPROVE the interconnection agreement amendment between Qwest Corporation and OneEighty Communications, Inc. in Docket No. D2000.11.200. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jason Brown, Legal Division

(252) In the matter of the Commission's discussion in Docket No. N2011.1.1: Electric City Power's petition for short-term waiver from full compliance with the Montana renewable portfolio standard: discuss and act on whether to conduct a contested case proceeding before ruling on petition.

Commissioner Kavulla recused himself and appointed Commissioner Gutsche as acting chair.

MOTION 1: Commissioner Gutsche moved to AUTHORIZE staff to create a new "D" docket, issue a Notice of Petition and Intervention Deadline and issue a Procedural Schedule including a hearing date. Commissioner Vincent seconded the motion.

SUBSTITUTE MOTION: Commissioner Molnar moved to CONTINUE the N docket unless Electric City Power or an intervenor with standing requests a contested case docket, then a contested case docket will be created. Commissioner Gallagher seconded the motion, which failed 2-2. Commissioner Gutsche and Commissioner Vincent voted Nay.

The Commission then voted on MOTION 1, which passed 3-1. Commissioner Molnar voted Nay.

APPEARANCE

Eric Dahlgren, Regulatory Division

(253) In the matter of the Commission's discussion of standards for issuance of certificates for public convenience and necessity to motor carriers.

Commissioner Kavulla moved to AUTHORIZE staff to initiate a docket for the purpose of holding a roundtable and taking comments on the standards for issuing a certificate of public convenience and necessity to motor carriers. Commissioner Kavulla amended his motion to include division of the roundtable into a section to concern necessity services and another to concern household goods movers and charter services, with the commentary to be solicited on the questions of need, consumer choice, and other matters. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Commissioner Gallagher

(254) In the matter of the Commission's discussion of investigation of whether Commissioner Kavulla's trip to Las Vegas to meet with utility investors may have been in violation of PSC rules or other applicable rules or statutes.

MOTION 1: Commissioner Kavulla moved to SUBMIT a memorandum he prepared to legal staff for an opinion. Commissioner Vincent seconded the motion. Commissioner Gallagher objected to the motion.

MOTION 2: Commissioner Kavulla moved to PROCEED to the question. Commissioner Gutsche seconded the motion, which passed 3-2. Commissioner Gallagher and Commissioner Molnar voted Nay.

The Commission then voted on Motion 1, which passed 3-2. Commissioner Gallagher and Commissioner Molnar voted Nay.

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

TRAVIS KAVULLA, Chairman

GAIL GUTSCHE, Vice Chair

W. A. GALLAGHER, Commissioner

BRAD MOLNAR, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)