

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, June 9, 2011, the following members were present:

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

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(255) In the matter of the approval of Commission Minutes for the week of May 16, 2011.

Commissioner Gutsche moved to APPROVE the Commission Minutes for the week of May 16, 2011. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(256) In the matter of the Commission's discussion in Docket No. D2010.8.82: Montana-Dakota Utilities general rate case. Montana-Dakota Utilities motion in limine which seeks commission approval of admission into evidence of all of the Applicant's and Intervenor's pre-filed testimony without the necessity of individual witnesses being present to take the stand.

Commissioner Kavulla moved to GRANT Montana-Dakota Utilities Motion in Limine with respect to personal appearances in Docket No. D2010.8.82. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Commissioner Molnar

Chairman Kavulla appointed Commissioner Vincent as chairman *Pro-tempore*.

(257) In the matter of the Commission's discussion of call information from Commissioner Gutsche's and Commissioner Kavulla's cell phones from the work session lunch break 4-15-2011, and Commissioner Gutsche's cell phone from the recess two hours and seventeen minutes into the 4-26-2011 work session.

Commissioner Molnar moved to REQUEST an independent administrative law judge be appointed to review Commissioner Kavulla's and Commissioner Gutsche's cell phones records for the indicated time frame. Commissioner Gallagher seconded the motion, which failed 3-2. Commissioner Kavulla, Commissioner Gutsche and Commissioner Vincent voted Nay.

APPEARANCE
Commissioner Gallagher

(258) In the matter of the Commission's discussion of OP-11 0258: Discuss and determine options for participation, whether to participate/intervene, and whether to oppose or support the petitioner.

Commissioner Gallagher moved to formally OPPOSE the petition and authorize staff to assist other state departments regarding resisting the petition and to request intervenor status in OP-11 0258. Commissioner Molnar seconded the motion, which failed 2-3. Commissioner Kavulla, Commissioner Gutsche and Commissioner Vincent 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)