

Minutes for the week of August 8, 2011

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday August 8, 2011 at 1:30 p.m., the following members were present:

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

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(320) In the matter of the Commission's minutes for the week of August 1, 2011.

Commissioner Kavulla moved to APPROVE the Commission Minutes for the week of August 1, 2011. Commissioner Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Leroy Beeby, Regulatory Division

(321) In the matter of N2008.12.138: NorthWestern Energy's 2008 Natural Gas Biennial Procurement Plan.

Commissioner Gallagher moved to CLOSE Docket No. N2008.12.138. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Regulatory Division

(322) In the matter of T-11.18.RI: rate increase application by Carrie Anne Pintar dba Amazing Taxi, Livingston, Montana, PSC No. 9466. The rate increase was noticed to the public on July 13, 2011, with an effective date of August 26, 2011. Pending public hearing, the rate increase must be suspended.

Commissioner Vincent moved to SUSPEND the proposed rate increase as noticed in T-11.18.RI. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division  
 Gary Duncan and Mike Dalton, Regulatory Division

(323) In the matter of Docket D2011.3.20: Nexus Communications, Inc.' Petition for Designation as an Eligible Telecommunications Carrier, Nexus' Motion to Withdraw Petition

Minutes for the week of August 8, 2011

Commissioner Molnar moved to APPROVE the Motion to Withdraw Petition. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division  
Gary Duncan, Regulatory Division

(324) In the matter of the Commission's discussion of the Annual Certification of Montana Eligible Telecommunication Carriers.

Commissioner Gallagher moved to DIRECT staff to send certification letters to Montana Eligible Telecommunication Carriers. Commissioner Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division  
Gary Duncan, Regulatory Division

(325) In the matter of Docket N2011.3.21: FCC NPRM on USF and ICC Reform- ABC Plan- Decide whether to hold Roundtable #3 to discuss the American Broadband Connectivity (ABC) plan and decide whether or not to file reply comments which would be due August 31, 2011.

Commissioner Kavulla moved to SET a forum date on or around August 22, 2011 to invite oral comments to be given on the ABC plan and invite written comments to the Commission by August 24, 2011, and to give Commission staff the authority to file consensus comments on August 31, 2011. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division  
Leroy Beeby, Regulatory Division

(326) In the matter of Docket D2011.1.8: Mountain Water Company-Petition for a Declaratory Ruling Disclaiming Commission Jurisdiction over the Sale and Transfer of stock in Park Water Company and Application for Approval of the Sale and Transfer of stock in Park Water Company-Identify additional issues if any.

Acting Chair Gutsche moved to EXPAND the Notice of Additional Issues to include what benefits Mountain Water ratepayers see if the purchase was approved, expansion of business plan, standard of review, as well as staff suggested additional issues, and to amend the procedural schedule to accommodate the additional issues. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Brian DeKiep, Regulatory Division

Minutes for the week of August 8, 2011

(327) In the matter of FERC Order 1000: Order 1000 on cost allocation and Regional Transmission Planning, consider holding a roundtable discussion with interested parties.

Acting Chair Gutsche moved to APPROVE a roundtable discussion on FERC Order 1000 with interested parties with the date to be set in the future. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Brian DeKiep and Kim Moran, Regulatory Division

(328) In the matter of FERC RM 11-26: FERC Notice on Inquiry on Transmission Rate Incentives-consider joining OMS comments to FERC.

Commissioner Molnar moved to JOIN OMS comments to FERC including Brian DeKiep footnote on Competitive process. Commissioner Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(329) In the matter of the Commission's discussion of determining whether the Commission wants to open a declaratory ruling docket to obtain public comment and decide whether 501 c corporations providing transportation of persons that is not for hire should be declared to be not regulated motor carrier service.

Acting Chair Gutsche moved to OPEN a declaratory ruling docket to obtain public comment and decide whether 501 c corporations should be declared to be not regulated motor carrier service. Commissioner Kavulla seconded the motion which passed 4-1. Commissioner Gallagher dissenting.

APPEARANCE

Dennis Lopach and Jim Paine, Legal Division

(330) In the matter of the Commission's discussion to approve Jim Paine as hearing officer for the public rules hearing regarding regulation of motor carriers.

Commissioner Kavulla moved to APPROVE Jim Paine as hearing officer for the public rules hearing regarding regulation of motor carriers. Acting Chair Gutsche seconded the motion which passed unanimously.

(331) In the matter of the Commission's discussion of appointing Dennis Lopach as Rule Reviewer and Jim Paine as Alternative Rule Reviewer.

Commissioner Kavulla moved to APPROVE the letter to the Secretary of State's Office. Commissioner Vincent seconded the motion which passed unanimously.

Minutes for the week of August 8, 2011

APPEARANCE  
Dennis Lopach, Legal Division

(332) In the matter of the Commission's discussion of the request for Jim Paine to sign the Northern Tier Transmission Group (NTTG) comments requesting rehearing on FERC Order 1000.

Commissioner Gutsche moved to AUTHORIZE Jim Paine to sign the NTTG comments requesting rehearing on FERC Order 1000. Commissioner Molnar seconded the motion which passed unanimously.

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

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TRAVIS KAVULLA, Chairman

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GAIL GUTSCHE, Vice Chair

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W. A. GALLAGHER, Commissioner

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BRAD MOLNAR, Commissioner

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JOHN VINCENT, Commissioner

ATTEST:

Aleisha Solem  
Commission Secretary

(SEAL)