

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, August 30, 2011, the following members were present:

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

Commissioner Kavulla was excused, but left his proxy with Acting Chair Gutsche.

APPEARANCE

Gary Duncan, Regulatory Division

(340) In the matter of the Commission's discussion in Docket No. N2011.3.21: Review and receive approval to file reply comments with the FCC regarding the FCC August 3, 2011 Public Notice.

Commissioner Molnar moved to APPROVE the draft reply comments to the FCC and adding the Connect America Funds comments in Docket No. N2011.3.21. Commissioner Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Leroy Beeby, Regulatory Division

(341) In the matter of the Commission's discussion in Docket No. D2009.12.156: Aquanet, Inc., application for approval of initial rates and charges for water service in its Billings, Montana service area.

Commissioner Molnar moved to APPROVE the interim order regarding rate increases for its Billings, Montana customers in Docket No. D2009.12.156. Commissioner Gallagher seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned until Thursday September 1, 2011.

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, September 1, 2011, the following members were present:

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

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(342) In the matter of the Commission's minutes for the week of August 22, 2011.

Commissioner Gutsche moved to APPROVE the commission minutes for the week of August 22, 2011. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Regulatory Division

(343) In the matter of Docket No. T-11.19.RB: Yellow cab Inc. of Missoula, PSC No. 482 and 1633, applied for rate increases on their Passenger Tariff No. 13 of between 0 and 50% and rate reductions of between 9.52% and 11.11%.

Commissioner Gutsche moved to APPROVE the rate changes as applied for in Docket No. T-11.19.RB. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division
Joel Tierney, Regulatory Division

(344) In the matter of the Commission's discussion in Docket No. D2011.6.50: ONEOK Bakken Pipeline, L.L.C. Notice of Acceptance of the provisions of Title 69, Chapter 13 of the Montana Code Annotated and Application for Recognition as a Common Carrier Pipeline.

Chairman Kavulla moved to APPROVE the Order for Recognition as a Common Carrier Pipeline in Docket No. D2011.6.50. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(345) In the matter of the Commission's discussion in Docket No. D2011.5.36: NorthWestern Energy Application for Approval of unreflected gas cost account balance, projected gas cost, and gas transportation adjustment clause balance.

Commissioner Gutsche moved to GRANT Montana Consumer Council's petition for late intervention in Docket No. D2011.5.36. Commissioner Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Legal Division
Will Rosquist, Regulatory Division

(346) In the matter of the Commission's discussion in Docket No. D2011.7.57: NorthWestern Energy's Petition for Declaratory Ruling on the applicability of 18 C.F.R. § 292.304(f) and ARM 38.5.1903(1) to contracts with qualifying facilities.

Commissioner Gallagher moved to APPROVE the Order with one amendment, to alter the language in the Order's final section to decline to respond to the petition on the basis that the issue is not ripe for judgment, in place of language in the circulated Order which rejects the petition's suggested declaratory order. Commissioner Molnar seconded the motion, which failed 2 to 3. Chairman Kavulla, Commissioner Gutsche and Commissioner Vincent dissenting.

Chairman Kavulla moved to APPROVE the Order as circulated in Docket No D2011.7.57. Commissioner Vincent seconded the motion which passed 3 to 2. Commissioner Gallagher and Molnar dissenting.

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:

Aleisha Solem
Commission Secretary

(SEAL)