

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, October 13, 2011, the following members were present:

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

Commissioner Molnar was excused and left his proxy with Commissioner Gallagher.

APPEARANCE

Aleisha Solem, Commission Secretary

(385) In the matter of the approval of Commission Minutes for the week of October 3, 2011.

Commissioner Gutsche moved to APPROVE the Commission Minutes for the week of October 3, 2011. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel, Regulatory Division

(386) In the matter of Docket No. N2011.9.85: CenturyLink filed Advice No. 11-08.

Commissioner Gallagher moved to APPROVE Advice No. 11-08. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Division

(387) In the matter of T-11.23.OTSC: An Order to Show Cause was issued to Donald P Emery d/b/a Kootenai Transfer & Storage, Libby, Montana, PSC No. 2075, for failure to file a 2010 Annual Report.

Commissioner Gutsche moved to APPROVE cancelling PSC No. 2075. Commissioner Vincent seconded the motion, which passed unanimously.

(388) In the matter of T-11.24.RI: Medicab LLC, Missoula, MT application for rate increase.

Commissioner Gutsche moved to SUSPEND the rate increase as applied for and ask for justification for rate increase. Commissioner Vincent seconded the motion, which passed unanimously.

(389) In the matter of TN2510: Thomas F. Kenneally, Butte, Mt, requests permission to continue the lease of PSC No. 4448.

Commissioner Vincent moved to APPROVE the lease of PSC No. 4448. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Joel Tierney, Regulatory Division
Justin Kraske, Legal Division

(390) In the matter of Annual BTU monitoring contracts: Approval of the Annual BTU contracts.

Commissioner Gutsche moved to APPROVE the Annual BTU contracts. Commissioner Vincent seconded the motion, which passed unanimously.

(391) In the matter of Annual pipeline safety and electric standards rulemaking update.

Commissioner Gallagher moved to APPROVE issuing the Notice of Proposed Amendment. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(392) In the matter of T-11.21.DR: Commission jurisdiction over certain intrastate passenger motor carrier operations.

Chairman Kavulla moved to ADOPT and issue the draft declaratory ruling as modified by Commissioner Gallagher and removing IRS before recognized in number 8 on page 4, and also in number 1 on page 5. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division

(393) In the matter of Danny Sartain's complaint.

Chairman Kavulla moved to APPROVE the Notice of Commission Action lack of Jurisdiction. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Tina Shorten, Consumer Division
Gary Duncan, Regulatory Division

(394) In the matter of FCC NPRM on Cramming.

Chairman Kavulla moved to DIRECT staff to file reply comments. Commissioner Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division

(395) In the matter of Docket No.D2011.7.57: NorthWestern Energy's motion for reconsideration.

MOTION 1: Commissioner Gallagher moved to GRANT Order for reconsideration. The motion failed for a lack of a second.

MOTION 2: Commissioner Vincent moved to DENY the motion and issue the order. Commissioner Gutsche seconded the motion, which passed 3 to 2. Commissioners Gallagher and Molnar dissenting.

APPEARANCE

Will Rosquist, Regulatory Division
Sarah Norcott, Legal Division

(396) In the matter of Docket No. D2010.7.77: Application for approval of avoided cost tariff for new qualifying facilities.

Chairman Kavulla moved to DIRECT staff to draft a final order incorporating staff's recommendations. Commissioner Vincent seconded the motion, which passed 4 to 0 with Commissioner Molnar abstaining.

(397) In the matter of proposed rulemaking to amend ARM 38.2.1902.

MOTION 1: Commissioner Gallagher on behalf of Commissioner Molnar moved to APPROVE and direct staff to issue the notice with change from 2 MW to 100 Kwh. Chairman Kavulla stated Commissioner Gallagher would need to make the motion, and the motion was withdrawn.

MOTION 2: Commissioner Gutsche moved to APPROVE and direct staff to issue notice of proposed amendment. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Will Rosquist, Regulatory Division
Sarah Norcott, Legal Division

(398) In the matter of a new docket directing NorthWestern Energy to show cause why its 50 MW cap on QF wind contracts should not be removed pending Montana Public Service Commission review of QF policies.

Commissioner Vincent moved to DIRECT staff to issue Order to Show Cause. Commissioner Gutsche seconded the motion, which passed 3 to 2. Commissioner Molnar and Gallagher dissenting.

APPEARANCE

Nickie Eck, Transportation Division

(399) In the matter T-11.12.PCN: Aaron's Back Company, LLC.

Commissioner Gallagher moved to APPROVE the application being withdrawn and closing the docket. Chairman Kavulla seconded the motion, which passed 4 to 0. Commissioner Molnar didn't leave a proxy.

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)