

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, November 29, 2011, the following members were present:

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

APPEARANCE

Aleisha Solem, Commission Secretary

(444) In the matter of the approval of Commission Minutes for the week of November 21, 2011.

Commissioner Vincent moved to APPROVE the Commission Minutes for the week of November 21, 2011. Commissioner Gallagher seconded the motion, which passed 4 to 0. Commissioner Molnar did not participate.

APPEARANCE

Gary Duncan, Regulatory Division

(445) In the matter of Docket No. N2011.11.94: CenturyLink's petition for waiver of the Months to Exhaust/Utilization Threshold requirements.

Commissioner Vincent moved to APPROVE the petition for waiver. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel, Regulatory Division

(446) In the matter of Docket No. N2011.11.95: CenturyLink's Advice No. 11-09 revised tariff sheets.

Chairman Kavulla moved to APPROVE Advice No. 11-09 revised tariff sheets. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Division  
Kate Whitney, Administrator, Regulatory Division  
Dennis Lopach, Administrator, Legal Division

(447) In the matter of Ucallus, Inc.: Discuss regulatory status of Ucallus and provide direction to staff.

Commissioner Gutsche moved to AUTHORIZE staff to enter into the guidelines regarding the operation of Ucallus as a not for hire entity accepting donations made out to Ucallus. Chairman Kavulla seconded the motion, which failed 2 to 2, Commissioners Gutsche and Kavulla voting aye. Commissioner Molnar did not participate.

Commissioner Gallagher moved to DIRECT staff to send a letter to Ucallus stating in essence that service rendered for absolutely no remuneration of any kind would not be included in the definition of motor carrier, SUSTAIN the tickets, and DIRECT staff to bring the Declaratory Ruling back in a subsequent work session to clarify the ruling. Commissioner Vincent seconded the motion, which failed 2 to 2, Commissioners Gallagher and Vincent voting aye. Commissioner Molnar did not participate.

Commissioner Gallagher moved to DIRECT staff to send a letter to Ucallus stating in essence that service rendered for absolutely no remuneration of any kind would not be included in the definition of motor carrier, SUSTAIN the tickets, and DIRECT staff to bring the Declaratory Ruling back in a subsequent work session to clarify the ruling. Commissioner Vincent seconded the motion, which passed 3 to 2, Commissioners Gutsche and Kavulla 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)