

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, February 14, 2012, the following members were present:

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

APPEARANCE

Judy Scheier, Assistant Commission Secretary

(36) In the matter of the approval of Commission Minutes for the week of January 30, 2012.

Commissioner Gutsche moved to APPROVE THE Commission Minutes for the week of January 30, 2012. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Mike Dalton, Regulatory Division

(37) In the matter of the Commission's discussion of MTPCS, LLC dba Cellular One: MTPCS's Motion for Reconsideration to the FCC on FCC's Order on USC/ICC Reform.

Commissioner Gutsche moved to DIRECT staff to file reply comments supporting MTPCS Motion for Reconsideration. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jason Brown, Legal Division

(38) In the matter of the Commission's discussion of D2011.6.53: Approve the Montana Consumer Counsel's Motion to permit entry into evidence of the prefiled direct testimony of Larry Nordell at the hearing without his physical presence, and permit him to testify and answer questions by telephone.

Commissioner Gutsche moved to APPROVE Larry Nordell's participation by telephone. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division  
Kim Moran, Regulatory Division

(39) In the matter of the Commission's discussion of D2011.3.26: Application for Approval of Natural Gas Universal System Benefits Charge Rate Adjustments:

Chairman Kavulla moved to APPROVE the final order. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(40) In the matter of the Commission's discussion of D2011.5.36: NorthWestern Energy Application for Approval of Unreflected Gas Cost Account Balance and Projected Gas Cost and Gas Transportation Adjustment Clause Balance –cancel the tentative hearing date of February 16, 2012.

Commissioner Vincent moved to CANCEL the tentative hearing date on Docket D2011.5.36. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(41) In the matter of N2012.2.17: PSC initiated proposed adoption of new electric line extension rules.

MAIN MOTION: Commissioner Vincent moved to ISSUE the notice. Commissioner Gallagher seconded the motion.

MOTION TO AMEND: Chairman Kavulla moved to AMEND the motion to incorporate amendments to the draft rules. Commissioner Vincent seconded the motion, which passed unanimously.

The main motion, as amended, passed unanimously.

APPEARANCE

Sarah Norcott, Legal Division  
Nickie Eck, Transportation Division

(42) In the matter of T-11.18.RI: Carrie Ann Pintar d/b/a Amazing Taxi requested rate increase.

Commissioner Vincent moved to APPROVE the requested rate increase. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division

(43) In the matter of the Commission's discussion of NARUC Capacity Assistance Grant: selection of a contractor.

Chairman Kavulla move to ACCEPT the staff recommendation and PROPOSE to NARUC that they contract in their RFP with Graceful Systems LLC and Bench Mark Heuistics LLC. Commissioner Gutsche seconded the motion, which passed 3 to 2. Commissioner Gallagher and Commissioner Molnar dissenting.

APPEARANCE

Sarah Norcott, Legal Division  
Will Rosquist and Eric Eck, Regulatory Division

(44) In the matter of the Commission's discussion of D2011.5.41: NorthWestern Energy Application for Approval to Purchase and Operate the Spion Kop Wind Project:

MAIN MOTION: Chairman Kavulla moved to APPROVE NorthWestern Energy's application for pre-approval subject to conditions in the order and to convert the staff's recommendations/memo into an order to be circulated for Commission signature. Commissioner Gutsche seconded the motion.

MOTION TO AMEND: Chairman Kavulla moved to AMEND the motion to include performance standard guarantee language subject to any minor non substantive changes. Commissioner Vincent seconded the motion which passed 4 to 1. Commissioner Gutsche dissenting.

Chairman Kavulla moved to AMEND the motion and direct staff to include language stating that the order was not an endorsement of NorthWestern Energy's CREP compliance, language criticizing the RFI's preference for ownership over power purchase agreement, and stating the need to more clearly define goals being sought in an RFI or RFP. Commissioner Vincent seconded the motion, which passed unanimously.

The main motion, as amended, passed 3 to 2. Commissioner Gallagher and Commissioner Molnar dissenting.

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:

Judy Scheier  
Assistant Commission Secretary

(SEAL)