

Minutes for the week of March 19, 2012

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, March 20, 2012, the following members were present:

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

APPEARANCE

Judy Scheier, Assistant Commission Secretary

(71) In the matter of the approval of Commission Minutes for the week of March 12, 2012:

Commissioner Gutsche moved to APPROVE the Commission Minutes for the week of March 12, 2012. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Unit

(72) In the matter of Docket No. TN2529: Fred M. Zweifel dba Circle Z Enterprises, Virginia City, Montana requests permission to further suspend PSC No. 9270 for the period March 18, 2012 through May 9, 2012.

Commissioner Vincent moved to APPROVE the continued suspension of 9270. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Unit

(73) In the matter of Docket No. TN2530: Dennis F. Orr, Sr. dba South Lake Taxi, Pablo, MT requests permission to lease PSC No. 9479 to Ann L. and James J. Gieber dba Annie's South Lake Taxi for the period March 17, 2012 to September 17, 2012.

Commissioner Gallagher moved to APPROVE the continued lease of PSC No. 9479 as requested. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Unit

(74) In the matter of Docket No. TN2531: Linda M. Elgin as personal representative of the estate of James Elgin dba Jim's Taxi, Kalispell, MT requests permission to lease PSC No. 9472 to Iron Eagle Transportation LLC, Kalispell, MT for a 3 month period, March 20, 2012 to June 20, 2012.

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Commissioner Gallagher moved to APPROVE the lease of PSC No. 9472 as requested. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Mike Dalton, Regulatory Division

(75) In the matter of the Commission's discussion of Docket No. D2012.1.6: Quest dba CenturyLink Interconnection Agreement.

Chairman Kavulla moved to APPROVE proposed interconnection agreement. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Neil Templeton, Regulatory Division

Jason Brown, Legal Division

(76) In the matter of Docket No. D2012.1.14: NorthWestern Energy request to implement Time-of-Use Rates in a Smart Grid Demonstration Project.

Commissioner Vincent moved to APPROVE rates in Docket D2012.1.14, subject to the provision that the order explicitly did not grant cost recovery. Commissioner Gutsche seconded the motion, which passed 3 to 2. Commissioner Gallagher and Commissioner Molnar dissented.

APPEARANCE

Will Rosquist, Eric Eck, and Bob Decker, Regulatory Division

Dennis Lopach, Legal Division

(77) In the matter of Docket No. D2008.8.95: NorthWestern Energy application for approval to construct and operate Dave Gates Generating Station to supply regulation service.

Chairman Kavulla moved to APPROVE the order subject to the red line modifications he drafted and distributed at the meeting; as well as the replacement of paragraph 2 in the order section as drafted by Eric Eck; as well as the new sentence and word changes proposed by Commissioner Molnar. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Staci Litschauer, Administrator, Centralized Service Division

Kate Whitney, Administrator, Regulatory Division

Gary Duncan, Regulatory Division

Jason Brown, Legal Division

(78) In the matter of Executive Planning Process and potential PSC Legislation for the 2013 Legislative Session.

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Chairman Kavulla moved to prioritize the Executive Planning Process items in the manner that Staci Litschauer suggested. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division
 Kate Whitney, Administrator, Regulatory Division
 Gary Duncan, Regulatory Division
 Jason Brown, Legal Division

(79) In the matter of the Commission's discussion of potential PSC legislation for the 2013 Legislative Session.

Chairman Kavulla moved to PROPOSE the Renewable Portfolio Standard cleanup bill as drafted to ETIC for its consideration as an ETIC bill. Commissioner Vincent seconded the motion.

MOTION TO AMEND Commissioner Molnar moved to AMEND the draft bill to include language of "shall not" to replace the phrase "is not obligated to" in MCA §§ 69-3-2007(1) & (2). The motion died for lack of a second.

The MAIN MOTION was voted on and passed 3 to 1. Commissioner Molnar dissented and Commissioner Gallagher abstained.

APPEARANCE

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

(80) In the matter of the Commission's discussion of motor carrier deregulation legislation:

Chairman Kavulla moved to have staff draft legislation to REMOVE PCN authority from the Commission for charter transportation and household goods movers and to make arrangements whether through enforcement by this agency or other governmental agencies for the continuing insurance provisions. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division
 Kate Whitney, Administrator, Regulatory Division
 Gary Duncan, Regulatory Division

(81) In the matter of the Commission's discussion of revision or repeal of Montana Low Income Telephone Assistance Program: the FCC's recent Lifeline Reform Order.

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Commissioner Gutsche moved DIRECT STAFF to work with stakeholders to develop legislation regarding the Montana Low Income Telephone Assistance Program in light of the FCC's recent Lifeline Reform Order and to bring it back before July. Chairman Kavulla seconded the motion, which passed unanimously.

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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:

Judy Scheier
Assistant Commission Secretary

(SEAL)