

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 27, 2012, the following members were present:

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

APPEARANCE

Aleisha Solem, Commission Secretary

(82) In the matter of the approval of Commission Minutes for the week of March 19, 2012.

Commissioner Gutsche moved to APPROVE the Commission Minutes for the week of March 19, 2012. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan, Regulatory Division

(83) In the matter of Docket No. N2012.3.23: Bresnan Broadband of Montana, LLC's request for waivers of the Months to Exhaust/Utilization Threshold (MTE/UT) requirements as set forth in the Federal Communications Commission's Number Resource Optimization Orders, FCC-00-429 and FCC 01-362 in CC Docket No. 99-200.

Commissioner Gallagher moved to APPROVE Bresnan's request for waiver of the MTE/UT requirements. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan, Regulatory Division

(84) In the matter of Docket No. N2012.3.22: Citizens Telecommunications advice letter No. MT-12-01.

Commissioner Vincent moved to APPROVE Citizens advice letter No. MT-12-01. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Unit

(85) In the matter of TN2532: Larson Disposal and Transport LLC request for cancellation of PSC No. 1455.

Commissioner Gutsche moved to APPROVE the cancellation of PSC No. 1455. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Unit

(86) In the matter of TN2533: Winchester McKell d/b/a Mckell Brothers Hauling request permission to lease PSC No. 983 to McKell Brothers Hauling, Inc. for a 6 month period March 27, 2012 to September 27, 2012.

Commissioner Molnar moved to APPROVE the lease of PSC No. 983. Commissioner Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Unit

(87) In the matter of TN2534: Bayside Disposal, Inc d/b/a Disposal Service of Montana requests permission to continue the lease of PSC No. 9412 to City of Cut Bank.

Commissioner Gallagher moved to APPROVE the lease of PSC No. 9412. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Unit

(88) In the matter of TN 2535: Dick Irvin, Inc., requests permission to continue the lease of PSC No. 9392 to Irvin, Inc. and Mico Inc d/b/a I&T Transfer.

Chairman Kavulla moved to APPROVE the lease of PSC No. 9392. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(89) In the matter of Docket No. D2010.10.99: iSmart Mobile, LLC's application for designation as an Eligible Telecommunications Carrier.

Commissioner Vincent moved to APPROVE the Motion for Protective Order. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Kim Moran, Regulatory Division

(90) In the matter of Coordination between the Natural Gas and Electricity Markets-Federal Energy Regulatory Commission's (FERC) Docket No. AD12-12-000.

Commissioner Molnar moved to AGREE with the abbreviated version of Organization of MISO States comments that was voted on today at the OMS meeting, that we take part in the technical conference as it unfolds and to APPROVE a standing proxy for staff in accordance with the OMS's bylaw provision covering proxies. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division

(91) In the matter of Docket No. D2011.9.82: The Complaint of Steve Forbes.

Chairman Kavulla moved to APPROVE the proposed order as the final order with a change to page 21. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Dennis, Administrator, Legal Division

(92) In the matter of Docket No. D2011.8.68: Petition of Hydrodynamics, Inc., for a power purchase and sale agreement for the Flint Creek Hydroelectric LLC project pursuant to 69-3-601 through 69-3-604, MCA.

Commissioner Gutsche moved to APPROVE the motion to dismiss and withdrawal of petition. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jason Brown, Legal Division
Dennis Lopach, Administrator, Legal Division

(93) In the matter of T-10.31.COM, T-10.33.COM, T-10.35.COM: Complaint of Vance Vanderpan dba Greater Valley Taxi, Carrie Pintar dba Amazing Taxi, and Karst Stage against Jesse Rumble dba Classic Limo.

Commissioner Vincent moved to APPROVE the revised final order. Commissioner Gutsche seconded the motion.

MOTION TO AMEND: Commissioner Molnar moved to APPROVE the order subject to modification to the language to clarify that the Commission is not making a finding on the substance of the statements made by Ms. Pintar. Commissioner Gallagher seconded the motion which passed 4 to 1. Chairman Kavulla dissenting.

The main motion as amended passed 4 to 1. Chairman Kavulla dissenting.

APPEARANCE
Commissioner Gallagher

(94) In the matter of water/sewer regulation bills.

Commissioner Gallagher moved to DIRECT staff to develop a PSC sponsored bill that would incorporate language into 76-3-504, and 76-4-104 for the purposes of inserting ourselves in the development process of major subdivisions. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE
Dennis Lopach, Administrator, Legal Division

(95) In the matter of Out of State staff travel.

Commissioner Gutsche moved to APPROVE the out of state staff travel for Jason Brown, Gary Duncan, and Elizabeth Kamback. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE
Chairman Kavulla

(96) In the matter of the Communications/Research Director hiring.

Commissioner Vincent moved to HIRE Justin Post as the Communications/Research Director at a salary of \$42,000 to begin work April 9, 2012. Commissioner Gutsche seconded the motion, which passed 4 to 1. Commissioner Molnar dissenting.

APPEARANCE
Justin Kraske, Legal Division

(97) In the matter Docket No. D2012.3.20: Energy West Inc.'s application for waiver of ring-fencing requirements and for authorization to engage in financing transactions.

Chairman Kavulla moved to APPROVE extending the deadline by an additional 30 days for the Commission to review EWI's application pursuant to 69-3-503, MCA. Commissioner Gutsche seconded the motion, which passed unanimously.

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)