

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on June 19, 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

(172) In the matter of the approval of Commission Minutes for the week of June 4, 2012.

Commissioner Vincent moved to APPROVE the Commission Minutes for the week of June 4, 2012. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Division

(173) In the matter of T-12.7.PCN: Sidney Shuttle LLC's request for a 90 day extension to their temporary operating authority.

Chairman Kavulla moved to APPROVE the 90 day extension. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Division

(174) In the matter of TN2542: Shorty's Shuttle LLC request for a final 6 month suspension of PSC No. 9474.

Commissioner Vincent moved to APPROVE the final suspension. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Leroy Beeby, Regulatory Division

(175) In the matter of Docket No. N2012.5.55: Mountain Water Company's filed tariff transitioning Missoula City Parks from flat rate to metered service and modification to Schedule M.

Commissioner Gutsche moved to APPROVE the Mountain Water tariff. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Mike Dalton, Regulatory Division

(176) In the matter of Docket No. N2012.6.63: Central Montana Communications, Inc.'s proposed tariff revisions applicable to the Lifeline Assistance Program, and request to withdraw from participation in the Montana telephone assistance program.

Chairman Kavulla moved to APPROVE the proposed tariff revisions. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division
Neil Templeton, Regulatory Division

(177) In the matter of Docket No.'s D2012.4.38 and D2010.4.39: Montana Dakota Utilities application to implement changes to the conservation program tracking mechanism Rate 90.

Commissioner Gutsche moved to APPROVE the consolidation of the two tracker dockets. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Leroy Beeby and Neil Templeton, Regulatory Division
Justin Kraske, Legal Division

(178) In the matter of Docket No. D2012.5.48: NorthWestern Energy's Annual Gas Tracker.

Chairman Kavulla moved to APPROVE the interim order excluding paragraph 6. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division
Leroy Beeby, Regulatory Division

(179) In the matter of 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 GRANT the motion to reopen the record. Commissioner Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(180) In the matter of T-11.26.PCN: Douglas E. & Vickie L. Wyant dba Wyant's Shuttle Service application for intrastate certificate of public convenience and necessity.

Commissioner Vincent moved to APPROVE the Final Order. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division

(181) In the matter of Docket No. N2012.4.42: In the Matter of the FCC ordered July 1, 2012, transition of intrastate access charges, Qwest Corp. dba Century Link's request for protective order.

Commissioner Gallagher moved to APPROVE the protective order. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division

Gary Duncan, Regulatory Division

(182) In the matter of N2012.4.42: In the Matter of the FCC ordered July 1, 2012, transition of intrastate access charges.

Commissioner Gallagher moved to APPROVE the Ronan Telephone Company and Hot Springs Telephone Company tariffs on an interim basis as requested and APPROVE Project Telephone Company, Central Montana Communications, Inc., Lincoln Telephone Company, Southern Montana Telephone Company, Citizens Telecommunications Company d/b/a Frontier Communications tariffs on a final basis. Chairman Kavulla seconded the motion.

Motion to Amend: Commissioner Molnar moved to ACCEPT all tariffs in N2012.4.42 on an interim basis pending action in the Tenth Circuit Court Appeal. The motion died for a lack of a second.

The main motion passed 4 to 1. Commissioner Molnar dissenting.

APPEARANCE

Kate Whitney Administrator, Regulatory Division

Dennis Lopach, Administrator, Legal Division

Eric Eck, Regulatory Division

(183) In the matter of D2008.4.36: NorthWestern Energy/PSC settlement agreement - Order 6906(h).

Commissioner Gutsche moved to DIRECT staff to investigate the LIEAP weatherization program for the disbursement of the \$765,000 settlement proceeds and to come back to the Commission with a revised settlement agreement. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE
Commissioner Molnar

(184) In the matter of NorthWestern Energy's QF contracts with Musselshell Wind Project LLC and Musselshell Wind Project Two LLC.

Commissioner Molnar moved to DIRECT staff to open an investigatory docket. Commissioner Gallagher seconded the motion, which failed 2 to 3. Commissioners Gallagher, Gutsche, and Vincent dissenting.

APPEARANCE
Commissioner Gallagher
Kate Whitney, Administrator, Regulatory Division
Dennis Lopach, Legal Division
Nickie Eck, Transportation Division
Brenda Elias, Justin Kraske, and Jason Brown, Legal Division

(185) In the matter of potential PSC legislation.

Chairman Kavulla moved to PRESENT 3 bill drafts to ETIC regarding motor carriers: a housekeeping bill, a deregulation bill that would remove the public convenience and necessity certification process for charter passenger services, and a deregulation bill that would remove the public convenience and necessity certification process for household goods movers. The motion died for a lack of a second.

Commissioner Gallagher moved to PRESENT to ETIC the motor carrier clean up (repealer) legislation. Commissioner Molnar seconded the motion. The motion was withdrawn.

Chairman Kavulla moved to PRESENT the RPS housekeeping bill to ETIC as a PSC bill. Commissioner Gutsche seconded the motion, which passed unanimously.

A small water utility bill was discussed and postponed until a later date.

APPEARANCE
Kate Whitney, Administrator, Regulatory Division

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

Commissioner Gutsche moved to APPROVE the out of state staff travel of Brian DeKiep to WECC System Operations Workshop July 10-11, 2012, in Salt Lake City; Elizabeth Kamback, Brenda Elias, and the new ARRA policy analyst to Camp NARUC August 6-17, 2012 in East Lansing, MI; and Bob Charles and Dave Jackson to attend the FRA Staff meeting in Vancouver, Washington the week of July 16, 2012. Commissioner Gallagher seconded the motion, which passed 3 to 0.

APPEARANCE

Brian DeKiep and Kim Moran, Regulatory Division

(187) In the matter of OMS comments to FERC.

Commissioner Molnar moved to CONCUR with the OMS comments in Docket RM10-2-3001. Chairman Kavulla seconded the motion, which passed unanimously.

Commissioner Molnar moved to APPROVE the OMS comments for clarification or rehearing regarding RM103-23 Order 1000A. Chairman Kavulla 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)