

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on June 26, 2012, the following members were present:

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

APPEARANCE

Brenda Koch, Assistant Commission Secretary

(188) In the matter of the approval of Commission Minutes for the week of June 18, 2012.

Commissioner Vincent moved to APPROVE the Commission Minutes for the week of June 18, 2012. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(189) In the matter of TN2543: City County Sanitation, Inc., Helena, Montana, requests permission to add a dba to PSC No. 2879.

Commissioner Vincent moved to APPROVE the addition of dba to PSC No. 2879. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan, Regulatory Division

(190) In the matter of Docket No. N2012.4.42: CenturyTel of Montana dba CenturyLink and Qwest Corporation dba CenturyLink QC filed for approval on June 1, 2012, transitional intrastate access charge tariffs.

Chairman Kavulla moved to APPROVE the transitional intrastate access charge tariffs filed by CenturyTel of Montana dba CenturyLink and Qwest Corporation dba CenturyLink QC. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Molnar dissenting.

APPEARANCE

Scott Fabel, Regulatory Division

(191) In the matter of Docket No. N2012.6.66: CenturyLink Advice No. 11-37V.

Commissioner Vincent moved to APPROVE CenturyLink Advice No. 11-37V. Chairman

Kavulla seconded the motion, which passed unanimously.

APPEARANCE
Scott Fabel, Regulatory Division

(192) In the matter of Docket No. N2012.6.67: Qwest Tariff Transmittal 12-AC05.

Chairman Kavulla moved to APPROVE Tariff Transmittal 12-AC05 in Docket No. N2012.6.67. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE
Scott Fabel, Regulatory Division

(193) In the matter of Docket No. N2012.6.68: Citizens Telecommunications Company of Montana Advice Letter No. MT-12-03.

Chairman Kavulla moved to APPROVE Citizens Telecommunications Company of Montana Advice Letter No. MT-12-03. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE
Mike Dalton, Regulatory Division

(194) In the matter of Docket No. D2012.5.59: NorthWestern Energy request for approval of its 2012 BPA Residential Exchange Credit, request for interim rate.

Chairman Kavulla moved to APPROVE NorthWestern Energy's request to adjust its BPA Residential Exchange Credit. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE
Scott Fabel, Regulatory Division

(195) In the matter of Docket No. D2012.6.69: Montana-Dakota Utilities Application for authority to implement a fuel and purchase power cost tracking adjustment.

Commissioner Molnar moved to APPROVE Interim Order in D2012.6.69. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE
Scott Fabel, Regulatory Division

(196) In the matter of Docket No. D2012.5.49: NorthWestern Energy's 2012-2013 electric tracker.

Chairman Kavulla moved to APPROVE NorthWestern Energy's request for interim relief with the following changes to the order: Remove paragraph 21 and preserve paragraph 20 and 23, changes to be circulated to commissioners before its issuance. Commissioner Vincent seconded the motion, which passed 3-2. Commissioners Molnar and Gallagher dissenting.

APPEARANCE

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

(197) In the matter of Docket No. D2012.1.3: NorthWestern Energy's Application of Avoided Cost Tariff for new Qualifying Facilities.

Commissioner Vincent moved to APPROVE late general intervention of Solar Plexus, Inc. Chairman Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Dennis Lopach, Administrator, Legal Division

(198) In the matter of Docket No. D2010.2.14: Complaint of Paul Williamson, Vern Klingman, Patricia Klingman, and Russell L. Doty v NorthWestern Energy.

Commissioner Vincent moved to CERTIFY this as a complaint and require NorthWestern Energy to answer and address the jurisdictional issue. Chairman Kavulla seconded the motion.

Motion to Amend: Commissioner Molnar moved that NorthWestern Energy be INSTRUCTED to answer that portion of the complaint that applies to prevue of the Public Service commission as outlined in Title 69. The motion failed for a lack of a second.

The Main Motion passed unanimously.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division
Dennis Lopach, Administrator, Legal Division
Brenda Elias, Legal Division

(199) In the matter of T-12.2.PCN: Billings Yellow Cab's application for statewide Class B charter service authority.

Commissioner Vincent moved to DENY Billings Yellow Cab's application for Class B charter service. Chairman Kavulla seconded the motion, which passed 3-2. Commissioner Gallagher and Commissioner Molnar dissenting.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division
Dennis Lopach, Administrator, Legal Division
Brenda Elias and Justin Kraske, Legal Division

(200) In the matter of potential PSC legislation: Draft motor carrier housekeeping bill; draft bill amending § 76-4-104, MCA, to add a new requirement that subdivision developers demonstrate they either comply with PSC authority or are exempt from it.

Commissioner Gutsche moved to ADOPT the motor carrier housekeeping bill as proposed by staff. Commissioner Vincent seconded the motion, which passed unanimously.

Commissioner Gallagher moved to ADOPT the subdivision review bill summary as proposed. Commissioner Vincent seconded the motion, which passed 3-2. Chairman Kavulla and Commissioner Gutsche dissenting.