

The public takes a back seat to politics on the PSC

by Commissioner Roger Koopman

The Public Service Commission has always been a somewhat surly bunch. The PSC's devoted staff has often had to deal with varying degrees of political game-playing, deception, threats and intrigue.

Sure. Politicians politic. The question is, at the end of the day, can elected officials bury their egos and ambitions long enough to put the people's business ahead of their own? Recent events would suggest that where the Montana PSC is concerned, the answer is "no."

That might surprise you, given that the commission is entirely Republican. But politics is more than campaign scuffles and partisan dust-ups. At its root, what separates the politician from the statesman, the partisan hack from the public servant, is what's on his heart. Statesmen and servants are big enough to be humbled by their awesome responsibilities, thereby putting the public interest first. Politicians put power and prestige ahead of public duty, and are too small to get beyond their own little worlds.

The most recent example of our habitually dysfunctional, politically dominated Public Service Commission was our failure to publicly disclose one of our most important votes of the year – the approval of a NWE electric rate increase that affected every NorthWestern customer. The culmination of a year-long process of discovery, hearings, briefings, public comment and thousands of staff hours, the commission approved – without debate – a complex and wide-ranging settlement agreement that established an overall electric rate increase of \$6.5 million, with varying impacts on each retail class.

Ignoring this commissioner's request for a timely and accurate news release, the chairman and his assistant issued their own statement two days later – on behalf of the full commission – that ignored the commission's primary action and spoke only of a minor procedural matter giving staff additional time to write a final order. Unaware of the release for almost a week, I requested an immediate correction and addendum be sent out. I was again ignored, so on 11/12, I wrote my own. Meanwhile, the rest of the Rip Van Winkle Commission slumbered on...

It's important to note the actions of Johnson and the other commissioners during this period, because they exemplify how the commission has been operating under the current chairman:

(1) During the 10/30 work session, Johnson intentionally blocked commission debate on this major issue – calling for the vote without any opportunity for discussion. In all my years on the commission, I have never witnessed such an outrageous and unprecedented action by the chair. Later, Johnson told a press conference that none of the commissioners wanted to speak. Wrong! The meeting video clearly shows this commissioner wanting to be recognized and asking for discussion, but being told that the chair would only allow discussion AFTER the vote! Meanwhile, the three other commissioners slumbered on.

(2) When Chm. Johnson put out his fallacious new release on 11/1, no other commissioner or staff person had been allowed to previously review it, and some staff were even denied a copy afterwards. The long-standing protocol of the PSC has been for staff to review releases before being sent, to assure accuracy and completeness, and all commissioners provided an advance copy and an hour to weigh in, offer their quotes and approve the final version. Johnson allowed none of this, and when asked later why, asserted he "was the spokesman", and that to allow commissioners to vet releases would grind the PSC to a halt! The three other commissioners slumbered on.

(3) When pressed by reporters on why he produced a release that ignored the whole rate hike story, Johnson continued to defend his actions, claiming that because additional issues still needed to be addressed on the 25th (DCM, net metering), the commission rate increase was just an “interim step” that wasn’t yet final. **This is sheer nonsense**, stated by a commissioner who evidently reads and understands very little about his commission dockets. A quick review of the commission’s minutes for that day makes very clear what took place. Yes, it’s always hard for a politician to admit when they are wrong. But I’ve always felt it’s better to eat a little crow than to suffer from moral starvation...

All of this is part of a pattern. Just in the past six months, I have seen my efforts to bring transparency to possible chairman docket conflicts quashed by the chairman’s loud gavel. I have seen my repeated efforts to bring public awareness and commission action to bear on out-of-control commissioner travel expenses quashed by the chairman (the worst offender.) I have seen major employee hiring decisions, requiring full commission action, made instead by secret, unilateral action of the chairman, and I have seen his unauthorized consultant usage as well. In these and other instances, there are always three commissioners who slumber on. They remain deferential to the commission’s internal politics, and timidly unwilling to confront the arbitrary actions of a chairman who thinks he is the only one in charge.

Can we expect any of this nursery school internal politics to change? As long as three commissioners remain silent and asleep, nothing will change, and the public will continue to sit in the back seat of the PSC bus, on a long and aimless journey to nowhere.

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