

For Immediate Release

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January 18, 2018

Public Service Commission seeks fines against propane delivery service at Big Sky

Helena, Mont. – The Montana Public Service Commission Tuesday filed a complaint in Montana District Court to levy fines against ABACO Energy Services, LLC for repeated failure to comply with a December 2016 order directing the company to file rate information with the PSC.

After finding that ABACO's propane delivery system, which serves the Big Sky Ski Resort, met the legal definition of a "public utility" subject to regulation by the PSC the PSC directed ABACO to file information sufficient to meet the minimum rate case filing standards by April 28, 2017.

Two days prior to the deadline ABACO filed a motion for extension of time to file the required information. The Commission approved the request giving ABACO until the end of Sept. 2017 to produce the information. On Oct. 2, 2017, two days after the deadline, ABACO requested an additional extension of time. The Commission again granted ABACO's request, however, in the order approving the extension it cautioned that failure to adhere to the new Dec. 31 deadline would result in the immediate application of civil penalties.

Eighteen days have passed since the deadline and ABACO has yet to produce the required information or to apprise the PSC of its reasons for not filing the information, prompting the Commission to take action.

"I'm extremely disheartened by ABACO's willful defiance of a PSC Order," said Commissioner Roger Koopman, R-Bozeman, whose district includes Big Sky. "ABACO was given the opportunity for a full and fair hearing and has had over 13 months to make the required filing. Despite multiple extensions of time and numerous other accommodations they have failed to comply, leaving the Commission with no other choice than to pursue immediate enforcement action against the company."

The PSC's complaint asks that the court impose on ABACO a maximum civil penalty of \$2,000 for each day that ABACO remains out of compliance.

ABACO is a limited liability company organized in North Dakota. The company owns the propane storage facility and distribution system located in the Village Center in Big Sky

The last time the PSC pursued an enforcement action against a public utility was following the unauthorized sale and transfer of Mountain Water Co. to Liberty Utilities. That dispute ended in a settlement with Liberty Utilities agreeing to pay \$150,000 to the Human Resource Council for use in its low income and renters repair and replacement program.

To view the full complaint, visit:

<http://psc.mt.gov/news/pr/2018pr/ABACOEnergyComplaint.pdf>

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Made up of five elected commissioners, the PSC works to ensure that Montanans receive safe and reliable service from regulated public utilities while paying reasonable rates. Utilities regulated by the PSC generally include private investor-owned natural gas, electric, telephone, water, and sewer companies. In addition, the PSC regulates certain motor carriers, and oversees natural gas pipeline safety and intrastate railroad safety.