At the meeting of the Public Service Commission of the State of Montana held at the Commission’s Offices in Helena, Montana, on Tuesday, May 10, 2022, at 9:31 a.m., the following members were present:

James Brown, President  
Brad Johnson, Vice President  
Tony O'Donnell, Commissioner  
Randy Pinocci, Commissioner  
Jennifer Fielder, Commissioner

PUBLIC COMMENT  
Derek Oestreicher, Homeowner

Mr. Oestreicher thanked North Star for making a commitment in the form of a proposed watering policy that would guarantee lawn sprinkling for four hours in the morning, and four hours in the evening as well, for a total of 8 hours every other day. This is certainly a welcome step in the right direction. We have come a long way from last year, but we are not there yet. Is it adequate to only provide water for lawn sprinkling every other day for a four-hour block in the morning and a four-hour block in the evening? That adequacy determination is up to the Commissioners. Although this is a step in the right direction from a homeowners’ standpoint, it does not reach that adequacy determination. The Public Service Commissioners and staff’s time and diligent effort are appreciated and have been fruitful. Your continued involvement would be appreciated.

APPEARANCE  
Patricia Trooien, Commission Secretary

(063) In the matter of the approval of the Commission Minutes for the week of April 26, 2022.

Commissioner Pinocci moved to APPROVE the Commission Minutes for the week of April 26, 2022. Vice President Johnson seconded the motion, which passed unanimously.

(064) In the matter of approval of the Commission Minutes for the week of May 02, 2022.

Vice President Johnson moved to APPROVE the Commission Minutes for the week of May 02, 2022. Commissioner Pinocci seconded the motion, which passed unanimously.

APPEARANCE  
Haylee Gobert, Regulatory Division

(065) 2022.01.004- Commission Initiated - Small Generator Interconnection Annual Reports- To accept Montana-Dakota Utilities Co. and NorthWestern Energy’s annual small generator interconnection report for 2021.

Vice President Johnson moved to ADOPT staff recommendation to ACCEPT the reports from MDU and NWE for their small generator interconnection annual reports for the year 2021. Commissioner Pinocci seconded the motion. Commissioner Fielder moved to AMEND the motion to also GRANT NorthWestern Energy a waiver of ARM 38.5.8408 (12) (c). The
amended motion passed unanimously.

APPEARANCE
Lucas Hamilton, Legal Division


President Brown moved to APPROVE the tariffs as proposed by ABACO Energy Services, LLC and to ISSUE Order 7747j. The motion was seconded by Vice President Johnson, which passed unanimously.

APPEARANCE
Grant Fink, Regulatory Division
Ben Reed, Legal Division


Vice President Johnson moved to CLOSE this docket and WAIVE the fine previously levied against North Star. Commissioner Fielder seconded the motion. After discussion Vice President Johnson requested Commissioner Fielder withdraw the second so he could add to the motion. Commissioner Fielder withdrew the second.

Vice President Johnson moved to CLOSE this docket and WAIVE the fine previously levied against North Star and require North Star to provide, on a monthly basis to this Commission, reports that address meter installation replacement, complaints, and water usage. President Brown seconded the motion. After discussion President Brown withdrew the second. Vice President Johnson added to the motion, “Until the Commission deems those reports are no longer necessary. President Brown seconded the motion.

Full motion restated. Vice President Johnson moved to CLOSE the investigation docket and WAIVE the fine previously levied against North Star and require monthly reports dealing with replacement and installation of meters; complaints from customers; and monthly water usage, until the Commission deems those reports are no longer necessary. Commissioner Fielder seconded the motion.

President Brown noted for the record and made it clear that voting for this motion is in no way giving approval to the conduct of North Star during the two-day time period for which this docket was opened. The President was inclined to assess a penalty for their actions. Should North Star go through another watering season and have the same level of problems and or mismanagement that was experienced previously, the President will certainly be inclined to re-open a docket and level penalties and sanctions against this utility.

Motion passed unanimously.
ANNOUNCEMENT
President Brown, District 3

Note: the presiding officer of any meeting may close the meeting during the time discussion relates to a matter of litigation and/or litigation strategy, and the presiding officer determines the need to protect agency litigation decision making, and discussion exceeds the merits of public disclosure. The discussion in this closed session will involve discussions and decision-making related to ongoing litigation in which the agency is involved as a party. Therefore, and accordingly, as the presiding officer of this meeting, I am closing this meeting to the public.

   — President Brown

Upon conclusion of closed session number four, this meeting will be adjourned. The next Commission Business meeting will be May 17, 2022.

CLOSED WORK SESSION
APPEARANCE
Ben Reed, Aimee Hawkaluk, Luca Hamilton, Legal Division
Dan, Stusek, Centralized Services Division

(068) Commission Initiated – Litigation Status Update – To provide an update on currently pending litigation and discuss litigation strategy. Closed to the public. (No web/audio feed).

The Commission discussed litigation strategy in a closed session. No action was taken.

There being no further business to come before the Commission, the meeting was adjourned at 12:37 p.m.

JAMES BROWN, President

BRAD JOHNSON, Vice President

TONY O’DONNELL, Commissioner

RANDALL PINOCCI, Commissioner
Minutes for the Week of May 09, 2022

ATTEST:
Patricia Trooien, Commission Secretary

JENNIFER FIELDER, Commissioner