

**Public Service Commission**  
**Annual Report**  
**2022**



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## Commissioner Statement

2022 was a busy, but highly productive year for the Montana Public Service Commission ("PSC").

In August, the PSC formally adopted its agency strategic plan for the time period ending in the year 2024. The plan is the culmination of 18 months of extensive effort by the five-member PSC and staff to improve the operations, performance, culture, and decision-making of the PSC. The strategic plan could not have been completed without the invaluable input provided by legislators, the legislative auditor, regulated parties, and consumers, among others. The tenets of good governance and sound regulatory strategies set forth in the plan have set the PSC on a path toward achieving the Commissioners' shared goal of making the PSC a model agency for the citizens of Montana.

The PSC made significant progress in 2022 in modernizing its core operating system. For years, the PSC's public-facing filing and docketing system did not meet the needs of either the PSC or the utilities and public it serves. With the financial approval of the 2021 Montana Legislature, the PSC procured a new operating system. And after conducting an extensive review and procurement process, in December of 2022, the PSC launched the first phase of its new "REDDI" operating system – a modern operating system that will serve the citizens of Montana well into the 21<sup>st</sup> Century.



In addition to implementing the sound management and technology improvements set forth above, the PSC continued its long track record of carrying out solid regulatory practices and oversight. Coming out of the Covid-19 pandemic and the challenges it created, the PSC effectively carried out its mission to properly balance the interests of regulated utilities with those of the Montana consumer. And it did so, in part, by greatly reducing the backlog of regulatory dockets pending before the PSC. Moreover, the PSC fully carried out its statutory duty to review all existing administrative rules to determine if such rules should be modified or repealed.

The PSC also began an investigation into resource adequacy and the associated challenges facing western states, including Montana, related to the issues of drought, decarbonization, regionalization of power supply and transmission, and grid modernization and resiliency. The PSC hosted a successful, multi-state conference on resource adequacy in December. Among the featured speakers was James Danly, a Federal Energy Regulatory Commission member. The discussion resulted in agreement among participants concerning the need for every Western state utility commission to work collaboratively to serve the public interest, share information, and stay on top of what is becoming an increasingly complex and connected field.

### Commissioner Statement, continued...

This successful and widely attended conference was conducted in conjunction with the PSC's promulgation of its own policy goals and objectives for the next two-year period. These goals and objectives detailed the PSC's desire to ensure Montana's utility companies are well-positioned to have enough capacity to meet Montana's energy needs for the foreseeable future. The PSC's goals and objectives are consistent with the State of Montana's overall policy goal of having regulated utilities reliably serve customers using the least cost resources available.

The information in this report is not intended to be a comprehensive synopsis of the PSC's extensive work and efforts over the last year on behalf of Montana citizens. Rather, the report is designed to summarize and provide a 10,000-foot view of the operations of the PSC and its extensive good governance efforts. In this vein, I trust the reader will find the report both informative and helpful.



Each of us at the PSC, whether acting in our role as an elected official or as a staff member, are proud of our work over the last year. I can write without equivocation that the PSC is—due to the efforts of the Montana Legislature and other partners both in-state and out-of-state—better positioned at the end of 2022 to effectively carry out its regulatory mission than it was at the beginning of the year. As we begin 2023, the PSC has much on its plate already for the year ahead, including conducting Northwestern Energy's extensive general rate case and reviewing its

corporate restructuring proposal. But, even with the PSC's increased workload, I have every confidence the PSC will meet the challenges of the coming year with the same determination and fortitude it showed when meeting the challenges of the year now passed.

Sincerely,



James E. Brown, Esq.  
President

*Disclaimer: This document is distributed as a communication from PSC President James Brown with the consent of Commissioners Randy Pinocci, Jennifer Fielder, Tony O'Donnell and outgoing Commission Vice President Brad Johnson. The document does not necessarily reflect the views of my Commission colleagues. Kudos and acknowledgment must be given to the excellent and very professional PSC staff who contributed objective information and research that helped in the making of this report.*

## Mission Statement

It is the mission of the PSC to fairly balance the interests of regulated companies and the public they serve. It is the mission of the staff of the Department of Public Service Regulation to provide competent, professional support to the PSC in this endeavor.

## PSC Overview

One of the smallest agencies in Montana state government, the PSC strives to ensure that ratepayers have continued access to utility services that are affordable, reliable, and sustainable for the long-term. In pursuit of this goal, the PSC regulates the rates and service quality for investor owned electric, natural gas, water, wastewater, and legacy telecommunication companies. Though they differ in form and function, companies in these industries all have one thing in common: they are monopolies with captive customers. It is the PSC's job to balance the interests of ratepayers who are concerned about utility rate increases with the need to maintain a financially sound utility that is capable of providing reliable service.

The PSC plays a vital role in protecting public safety by inspecting railroads and ensuring the integrity of intra-state pipelines.

The PSC also provides limited oversight of the transportation industry, including garbage service. Although the PSC does not set the rate for these services, it does regulate the entry to and exit from the marketplace and works to resolve customers' assistance requests.

### FTE Count

5 - Elected Commissioners

31 - Full-Time Staff



Ensuring the availability of reliable, affordable energy is one of the primary functions of the PSC.

## Leadership Team



### Randy Pinocci, Commissioner District 1

Randy Pinocci was elected to serve on the PSC in November 2018. District 1 encompasses 22 counties-the largest number of counties and the most square miles of any PSC district. While serving as a commissioner, Randy is committed to a market-based approach to safe, reliable, and affordable utility infrastructure.



### Tony O'Donnell, Commissioner District 2

Tony O'Donnell was elected to District 2 of the PSC in November 2016. His district encompasses most of Southeastern Montana, including Yellowstone, Carbon, Big Horn, Treasure, Rosebud, Powder River, Custer, Prairie, Fallon, and Carter counties. As a strong supporter of Economic Freedom, Tony is keenly interested in how regulators can apply Free Market principles to the mutual benefit of ratepayers, as well as regulated utilities.



### President James Brown, District 3

James Brown was elected to the PSC in November 2020, representing the 12 counties that compose PSC District 3 in Southwestern Montana. James feels it is both an honor and a privilege to represent the people of the State of Montana and James pledges to advocate on behalf of Montana's hard-working families.



### Commissioner Jennifer Fielder, District 4

Jennifer Fielder was elected to the PSC in November 2020 to serve District 4. Her district includes Lincoln, Sanders, Mineral, Missoula, Powell, Granite, Ravalli, and Deer Lodge counties. Jennifer brings to the PSC two decades of professional planning, design, and project management experience which included the types of industries regulated by the PSC.



### Vice President Brad Johnson, District 5

Brad Johnson was elected to the PSC in November 2014. Brad believes that safe, reliable, and cost-effective utility services are essential for economic development in Montana. His goal was to ensure utility customers receive the lowest rates possible consistent with high-quality service.

**NOTE: Incoming Commissioner Annie Bukacek** was elected as Commissioner of District 5 in November 2022 and will begin her term in January 2023.

Executive Director	Chief Legal Counsel	Business Manager	Commission Secretary	External Affairs Coordinator	Regulatory Administrator
<b>MANAGES:</b> <ul style="list-style-type: none"> <li>Agency Coordinating Team (ACT)</li> <li>Centralized Services Division</li> <li>External Affairs</li> <li>Implementation of Adopted Strategic Plan &amp; Policies</li> <li>Budget Planning</li> <li>Audit Compliance</li> </ul>	<b>MANAGES:</b> <ul style="list-style-type: none"> <li>Legal Division</li> <li>Litigation Strategy</li> <li>Rulemaking</li> <li>Investigations</li> </ul> <b>ACTS AS:</b> <ul style="list-style-type: none"> <li>General Counsel</li> </ul>	<b>MANAGES:</b> <ul style="list-style-type: none"> <li>Human Resources</li> <li>Day-to-day Fiscal Activity</li> <li>Payroll &amp; Procurement</li> <li>Facilities, Furnishings &amp; Inventory</li> </ul>	<b>MANAGES:</b> <ul style="list-style-type: none"> <li>Admin Support</li> <li>Reception</li> <li>Technology, Office Equipment &amp; Inventory</li> <li>Records Retention</li> </ul>	<b>COORDINATES:</b> <ul style="list-style-type: none"> <li>Public Policy Analysis &amp; Engagement</li> <li>Public Involvement</li> <li>Legislative Affairs</li> <li>External Communications</li> <li>Escalated Consumer Relations</li> </ul>	<b>MANAGES:</b> <ul style="list-style-type: none"> <li>Regulatory Division</li> <li>Utility Analysis</li> <li>Railway Safety</li> <li>Pipeline Safety</li> <li>Licenses &amp; Permits</li> <li>Regulatory Compliance</li> <li>Consumer Assistance</li> </ul>



## Budget Report

The PSC remains cognizant of state special revenue budget balances while ensuring the needs of ratepayers and customers can be met. In fulfilling statutory requirements, and agency goals and objectives, we request FY 2024-2025 budget appropriations for additional personnel, rent increases, software license fees, computer replacements, retirement payouts, vacancy savings exemption, and funding for agency software named REDDI.

### FTE Request

Four new full-time employees (“FTE”) requests as follows:

- **Railroad Inspector** based on the recommendation of a prior performance audit.
- **IT Systems Administrator** for the REDDI project and agency IT needs.
- **Administrative Specialist** to serve as an advisor on areas of regional transmission systems, regional markets, and state and national developing utility trends.
- **Attorney** to perform legal review, draft PSC orders, and litigate contested cases.

### Rent Increases

The agency entered into a new 10-year lease negotiated by the Department of Administration (“DofA”). The additional cost of the lease is **\$59,995** in FY 2024 and **\$85,020** in FY 2025.

### Annual REDDI Software Fees and Computer Replacements

REDDI has an annual license fee. Agency computers are replaced using DofA’s 5-year guidelines.

- REDDI software license fee: **\$138,000** each year.
- Computer replacements: **\$7,200** in FY 2024 and **\$9,600** in FY 2025.

### Retirement Payouts and Vacancy Savings

- The PSC could potentially realize approximately **\$80,000** in retirement payouts during the biennium and requests restricted authority for payouts.
- Through the elected official process, we are requesting exemption from vacancy savings requirements. As a small agency of 31 staff, it is especially detrimental to leave positions unfilled for months to make up the vacancy savings loss and places an undue burden on remaining employees and contributes to the perpetual turnover. The agency must be fully staffed to fulfill its mission and responsibilities to ratepayers. The cost of the exemption is approximately **\$134,000** in each year.

### REDDI

The PSC REDDI software modernization will ensure the unique business needs of the PSC are met. REDDI is a highly configurable software system for case management, data management, customer relations, and railroad inspections. The system will provide full functionality for legal, regulatory, and consumer relations dockets, plus railroad inspections, an online public portal, and outlook calendaring and email integration, including data and case management. The cost to complete the REDDI project is approximately **\$1.33 million**.



## Strategic Planning Report

*In January 2021, the PSC commenced an intensive Strategic Planning process with the deliberate intention of improving the operations, performance, culture, and reputation of the PSC and the Department of Public Service Regulation the PSC administers.*



### PSC Adopts Strategic Plan, Charts Road Map to Good Governance

After 18 months of intensive efforts by commissioners and staff, the PSC officially adopted its 2021-2024 Strategic Plan on August 30th and subsequently delivered it to the Montana Legislature's Interim Budget Committee on September 14th.

The adoption of the plan marks an important milestone in the PSC's ongoing efforts to put the agency on a path to excellence. The document incorporates a wealth of invaluable input from commissioners, staff, legislators, the legislative auditor, and a management consulting firm.

Commissioner Jennifer Fielder, who has led the planning effort for the PSC, said the process involved 14 full PSC meetings and synthesis of about 20 pounds of notes into 24 easy-to-read pages. While it was a lot of work, she said it was worth the effort. "It was definitely worthwhile. We used a team effort to create a really solid basis for the agency's direction and a clear roadmap for transforming the department into a model of good governance. I'm very optimistic about the progress we have made at the Commission in the past two years and, as we move forward with implementation of the Strategic Plan, the progress we will continue to make in the future."

Although several objectives are well underway or substantially complete, several others will require legislative support during the upcoming 2023 session. The biggest ticket items include completing modernization of the agency's electronic case management system, expanding the railway safety program, and dedicating two policy analysts to aid the PSC in navigating the changing energy landscape and ensuring adequate energy resources are consistently available to homes and businesses throughout Montana.

PSC President James Brown is pleased with the tremendous strides the agency has made in the past year and believes the Strategic Plan will guide further efforts in a methodical way. "We still have some wrinkles to iron out, but with a sound plan like this and a unified agency committed to its tenets, I'm confident that good governance can and will thrive throughout the Department of Public Service Regulation again. We are definitely on the right track."

The full plan can be found on the PSC's website at [psc.mt.gov](https://psc.mt.gov).



## Strategic Planning - Core Requirements

**Duty:** It is the duty of the PSC to supervise and regulate the operations of public utilities, common carriers, railroads, and other regulated industries listed in Title 69 (MCA). Such regulation and supervision is limited by and shall be in conformance with Title 69. It is the duty of the staff of the Department of Public Service Regulation to provide competent, professional support to the PSC in this endeavor.

**Mission:** It is the mission of the PSC to fairly balance the interests of regulated companies and the public they serve. It is the mission of the staff of the Department of Public Service Regulation to provide competent, professional support to the PSC in this endeavor.

**Vision:** It is the vision of the PSC to lead by example in establishing the Department of Public Service Regulation as: A model of good governance, a great place to work, and the state's most credible source of information and guidance regarding the industries we regulate.

### Goals:

*Improve Organizational Structure* --- Define leadership roles & responsibilities, establish chain of command, revise organizational rule, and establish leadership training and standards

*Improve Centralized Services Fiscal Performance* --- Increase competency, focus, and performance of fiscal staff, fully cover audit compliance responsibilities, reassign non-fiscal duties to non-fiscal staff, tighten policies and procedures, and enhance inventory system

*Improve Internal Policies and Controls* --- Revise internal operations and policy manual (blue book), perform annual risk assessment, create updated records management standards, and conduct cost/revenue analysis

*Increase Regulatory Effectiveness* --- Modernize electronic docket management system, increase staffing proficiencies, maintain sufficient staffing levels, ensure fully informed PSC actions, issue and defend sound PSC orders, and rebuild and enhance the railway safety program

*Provide Beneficial Public Policy Solutions* --- Proactively engage in public policy and rulemaking, ensure resource adequacy, participate in regional planning, build strong relations with Legislative and Executive branches, and provide meaningful public information and opportunities for public comment

## Regulatory Report

■ The PSC initiated Docket 2021.12.136 to investigate CenturyLink's quality of service in rural areas of Montana. After months of in-depth review and analysis of data submitted in this docket, the PSC ordered CenturyLink to submit a proposal to ensure customers receive adequate service. That proposal is due December 19, 2022.

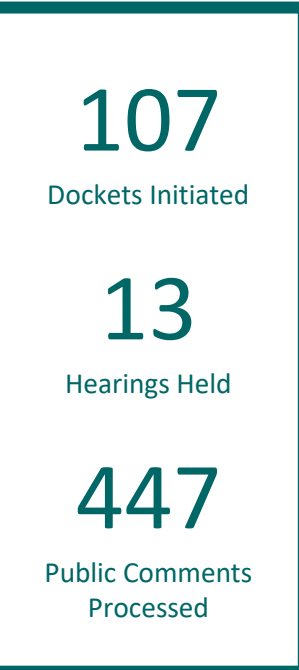


■ In August of 2022 NorthWestern Energy filed a general gas and electric rate case, Docket 2022.07.078. The company requested an increase of \$102.9M for electric, \$23M for gas, and \$68.1M for PCCAM Base Power Cost and Credits for the tracker period July 1, 2022, through June 30, 2023. The company also requested interim relief in the amount of \$46.6M for electric, \$5.8M for gas, and \$68.1M for PCCAM. On September 27, 2022, the PSC granted interim approval of \$90.5 million for electric (\$11.19/mo. average bill impact) and \$1.7 million for gas (\$.48/mo. average bill impact). The interim rates became effective October 1, 2022. This docket continues and a hearing is anticipated to be held in April 2023.



■ Montanans are very proud of the 406-area code; there is even a "holiday" for it – April 6<sup>th</sup>! Staff works diligently with NANPA, SOMOS, and carriers to manage numbering resource requests so all Montanans can keep their 406 area code as long as possible. These efforts lead to a three-year extension of the projected exhaust date for the 406-area code, from 4Q 2028 to 4Q 2031.

■ On November 4, 2022, Montana-Dakota Utilities filed an electric rate case, Docket 2022.10.099. The company requested an increase of \$10,499,415. This is an overall increase of 15.2%. A typical residential customer would see an average bill increase of 19%, or \$18.76/mo. The filing included a request for interim relief in the amount of \$1,716,219. For residential customers it would be 3.708% of the amount billed under basic service charge, energy charge, and demand charge where applicable. A hearing is anticipated to be held late-summer 2023.



■ NorthWestern Energy began the deployment of advanced metering devices in Montana in mid-2021. Subsequently, the company filed for approval of a tariff setting the terms and conditions for customers who choose to opt out of these advanced meters, Docket 2022.06.067. The company proposes a one-time fee of \$75 and \$15/mo. for meter reading by the company. The hearing in this docket is scheduled for January 31, 2023.

■ Sleepy Hollow Oil & Gas, a company serving approximately 145 customers in the Winifred area, filed for bankruptcy, leaving the system without a qualified operator. NorthWestern Energy requested emergency authority to act as the operator of the Sleepy Hollow Oil & Gas Distribution System and negotiated an asset purchase agreement to acquire the portion of the system necessary to serve existing customers, Docket 2022.04.051. The PSC approved NorthWestern Energy's requests, resulting in these customers having safe and reliable service.

■ The PSC granted Eligible Telecommunications Carrier status to qualified carriers in 2022. That status afforded those carriers access to federal funds to enhance and improve services in Montana.

■ The Public Utility Regulatory Policies Act of 1978 requires electric utilities to purchase electric energy from qualifying power facilities ("QFs"), typically renewable generators. The PSC sets the purchase rate when the QF and utility can't agree. The purchase rate must reflect the cost to the utility of alternative energy. The PSC set rates for the Caithness Beaver Creek wind/battery facility in Docket 2021.12.134 and held a hearing regarding another QF, CELP, which uses waste coal, on December 13, in Docket 2022.07.073. The PSC is also addressing an order of the MT Supreme Court regarding an appeal of a prior QF case, Docket 2019.10.076, involving the generator's responsibility for the costs of interconnecting to the utility's transmission network.

## Legal Report



### Litigation

In the calendar year 2022, the PSC had several key litigation victories. The Montana Supreme Court upheld the PSC's jurisdiction over qualifying facility interconnection. *CED Wheatland Wind, LLC v. Mont. Dep't of Pub. Serv. Regul.*, 2022 MT 87, 408 Mont. 268, 509 P.3d 19. The Court also affirmed two important district court decisions rejecting two cases challenging the PSC's investigative authority. *Broad Reach Power, LLC v. Mont. Dep't of Pub. Serv. Regul.*, 2022 MT 227, 410 Mont. 450; *In re Big Foot Dumpsters & Containers, LLC*, 2022 MT 67, 408 Mont. 187, 507 P.3d 169. Finally, the Court affirmed a district court order rejecting a small water company's petition for judicial review of the PSC's decision to deny requested base rates as high as \$200 per month for water and sewer service. *N. Star Dev., LLC v. Mont. Pub. Serv. Comm'n*, 2022 MT 103, 408 Mont. 498, 510 P.3d 1232.

### Contested Cases

With support from its legal and regulatory staff, the PSC held several contested case hearings and oral arguments in 2022, including:

1. Oral argument on L&L Site Services, Inc.'s Application for authority to haul garbage in Missoula County (Dkt. 2020.12.121) (Feb. 1, 2022);
2. An evidentiary hearing on NorthWestern's Application for Waiver of In-Person Notice Requirements (Dkt. 2021.08.109) (April 5, 2022);
3. An evidentiary hearing on NorthWestern's Annual Power Costs and Credits Adjustment Mechanism Tracker and Request for Hedging Authorization (Dkt. 2021.09.112) (April 19, 2022);
4. An evidentiary hearing on Caithness Beaver Creek, LLC's Third QF Petition (Dkt. 2021.12.134) (April 27, 2022);
5. An evidentiary Hearing on Sleepy Hollow Gas (Dkt. 2022.04.051) (July 26, 2022);
6. Oral argument on final resolution of Caithness Beaver Creek, LLC's Second QF Petition (Dkt. 2019.06.034) (Sept. 13, 2022); and
7. An evidentiary hearing on Colstrip Energy Limited Partnership's QF Renewal Petition (Dkt. 2022.07.073) (Dec. 13, 2022).

### Rulemaking

In 2022, the PSC's legal and regulatory staff completed a full, internal review of the PSC's administrative rules. Based on this review, staff intends to present proposals to streamline, clarify, and improve the PSC's rules in the year ahead.

The PSC completed several major rulemakings in 2022, including:

1. Repealing rules relating to Montana's Renewable Energy Resource Standard, based on legislation adopted in 2021 (MAR Notice No. 38-5-253);
2. Implementing new rules related to the Montana Energy Impact Assistance Act (MAR Notice No. 38-5-250); and
3. Revising the PSC's rules implementing PURPA (MAR Notice 38-5-254), many of which had not been revised in decades.

Although the PSC cannot adopt any other rulemaking before the end of the 2022 calendar year, the PSC has approved a proposed adoption notice for a major revision to the PSC's resource planning and procurement rules which will be published in January 2023.

## Centralized Services Report

The PSC Centralized Services Division manages the department's:

- human resources
- fiscal activity
- payroll and procurement
- facilities furnishings and inventory
- administrative support
- reception
- technology
- office equipment and inventory
- records retention



## Regulatory Compliance Report

The Regulatory Compliance Unit is a multi-faceted team within the Regulatory Division that is responsible for:



- Administering the department's Consumer Assistance Program;
- Facilitating public comment and access to Commission proceedings;
- Processing and evaluating applications and other filings from regulated motor carriers, telecommunications providers, and water and sewer companies;
- Evaluating conformity with state and federal laws, administrative rules, and agency regulations;
- Recommending corrective actions for violations of laws, rules, tariffs, or policies; and
- Assisting with the department's public information, public policy, document processing, reception, and other administrative support functions.




## Pipeline Safety Report

The mission of the PSC Pipeline Safety Program is to ensure the safe construction, operation, and maintenance of intrastate gas pipelines in Montana. This is accomplished through inspection, enforcement, education, and the investigation of accidents. The program's primary responsibility is protecting the public from the potential dangers of transporting gas by pipeline.



The PSC participates in the Federal Pipeline Safety Program with three inspectors responsible for enforcing federal and state pipeline safety regulations. The role of the program is to ensure the safe, construction, operation, and maintenance of intrastate gas pipelines in Montana.

<b>194 Field Days</b>	<b>62 Inspections</b>	<b>22 Violations Issued</b>	<b>11 Violations Corrected to Date</b> (11 corrections due 2023)	<b>0 Accidents &amp; Incidents</b>
				





## Railroad Safety Report

The mission of the Rail Safety Program is to prevent catastrophic accidents, derailments, and injuries to the public as well as railroad personnel. The program consists of two certified inspectors responsible for enforcing state and federal rail safety regulations through boots-on-the-ground inspections of railroad equipment. Inspectors also perform onsite audits of railroad employee training records, as well as equipment maintenance records, to ensure up-to-date compliance.



In addition to their rail safety work, inspectors enforce state statute and PSC rules related to the motor carrier industry. Inspectors have the ability to write citations and/or revoke the carriers operating authority through Montana Code Annotated Title 69, Chapters 11 and 12.

Montana's Rail Safety Program strategy includes ongoing analysis of railroad operational and accident data to focus inspections and audits on high-risk areas and non-compliance.

<b>182 Inspections</b>	<b>847 Non-Compliant Defects</b>	<b>79 Accident/Incidents 2021</b>	<b>53 Accidents/Incidents 2022</b> (32% Reduction)
			

## Communications and Outreach

- The PSC continues to maintain a wide array of public involvement opportunities and notices which are posted weekly on the Commission agenda.
- The PSC Consumer Assistance phone number and email help line are published on every billing statement sent to consumers by regulated companies. Consumer requests for assistance are fielded and addressed promptly.
- The PSC is active on social media with several posts per week. Follow us on Facebook and Twitter for happenings at the PSC, information related to utilities and regulation, and a fun Fact Friday every week!
- The PSC website has a wealth of information about dockets, compliance materials, consumer tips, outage maps, reports, open positions, agency news releases, and much more.

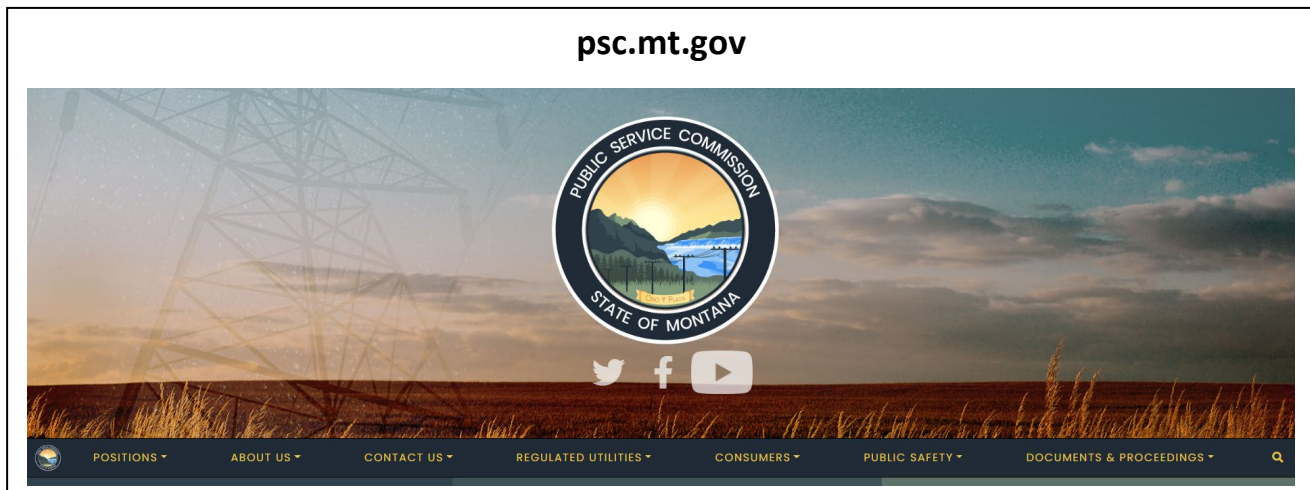
### Fact Friday

AHOY! This is exactly what Graham Bell wanted the telephone greeting to be. It was Thomas Edison who later gave the world "hello" in 1877, and it is not surprising that it immediately became the more acceptable telephonic greeting.



myoperator.com

psc.mt.gov



## Looking Ahead to 2023

Continue the implementation of the Strategic Plan that was adopted August 30, 2022.

Our new database system, REDDI, will be fully implemented and fine-tuned during 2023.

We will be concentrating efforts on resource adequacy to ensure utilities are able to provide continuous and reliable service to the consumers of Montana.

After an extensive review of the PSC administrative rules in 2022, we will be completing the rulemaking process to update and modernize these rules.

## Notes:



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