

Public Service Commission Annual Report 2023



Contact The Montana Public Service Commission

1701 Prospect Avenue
P.O. Box 202601
Helena, MT 59620

Local: (406) 444-6150 | Toll-Free: (800) 646-6150

psc.mt.gov | pschelp@mt.gov

 @MontanaPSC |  /X @MT_PSC

Table of Contents

- 
3. President Statement
 5. Mission Statement & PSC Overview
 6. Commissioners & Management Team
 7. Project Update: REDDI System
 9. Budget Report
 10. Strategic Plan
 12. Listening Sessions on NWE IRP
 13. Legal Division
 15. Centralized Services
 16. Press Release: PSC Audit
 17. Commissioner District Map
 18. Regulatory Division
 21. Regulatory Compliance
 24. Pipeline Safety
 25. Railroad Safety
 27. Communications and Outreach & Looking Ahead to 2024

President Statement

On behalf of my colleagues on the Montana Public Service Commission (“PSC”) and on behalf of the excellent staff at the Department of Public Service Regulation, I am honored to present the 2023 Annual Report. The report documents the meaningful work performed by the agency this past year for the benefit of Montana’s citizens.

The impact of the agency on the daily lives of Montanans is wide reaching. The agency’s regulatory oversight mission ranges from regulation of railroad and pipeline safety, to waste hauling, to power generation and transmission and beyond. The important work performed by the agency ensures that every Montanan has immediate access to safe, affordable, and life-sustaining utility services. As economic regulators, the agency’s regulatory work and legal decision making has a major impact on the lives of everyone who calls Montana home. Yet, the agency is one of the smallest in Montana state government, both in terms of employees (33) and budget (roughly \$5.1 million). Each Montanan’s share of the agency’s budget only amounts to roughly \$5.10 per year.

By every measure, in 2023, the agency met the high demands placed upon it. The agency handled professionally three matters of extreme complexity and of high public importance. In January, the PSC approved the corporate restructuring application of Northwestern Energy. In April, the PSC conducted an intensive two-week hearing on Northwestern Energy’s electric and gas rate case and, thereafter, approved a settlement filed in the matter based upon an extensive and thorough review of the evidence presented. And, in August, the PSC considered and approved a settlement filed in Montana-Dakota Utilities gas and electric rate case. These aforementioned rate cases are only considered every 3 to 4 years and are the most labor-intensive work conducted by the agency. Despite this year’s unusually high workload, the PSC and agency staff addressed all matters with the usual professionalism and expertise consistently demonstrated over time by the agency. What is more, the agency worked diligently during the 2023 Montana Legislative Session to provide credible information on bills relating to the agency’s regulatory jurisdiction and to aid lawmakers as they crafted Montana’s energy policies.

Further, the agency timely completed, and did so under budget, its implementation of the new case and core operating system–REDDI. This system has greatly improved operations of the agency on a day-to-day basis and has improved the public’s ‘customer’ experience. The Commission also conducted a thorough review of Northwestern Energy’s Integrated Resource Plan while maximizing public participation in the same by holding an unprecedented five listening sessions in communities around the Treasure State.

The PSC’s mission, as defined by the Montana Legislature, is to balance the interests of regulated utilities and the public it serves. Accomplishing this mission requires the agency to listen to and consider a diverse range of opinions, policy positions, and legal requirements. As such, the agency has made it a priority to enlarge its public outreach efforts and to better educate the public as to the work performed at the agency and its regulatory reach.



President Statement, continued...

My colleagues and I are working hard to strengthen collaborative relationships with the public and the Legislature. This is because the PSC is made more accountable through strong partnerships. As such, your strong support for the PSC's new strategic plan will contribute to our goal of making the agency the model of good governance.

To this end, the 2023 Annual Report details the agency's many accomplishments in each of its three divisions—centralized services, legal, and regulatory. When considered in conjunction with the PSC's adopted strategic plan for the 2021-2024 time period, this report provides the roadmap for how the agency is responding to a rapidly evolving regulatory landscape, particularly in relation to new federal policy mandates, high population growth, and quick moving regionalization efforts.

The report is the product of hours of hard work by the agency staff. And the quality of the report is a testament to the knowledge and devotion shown by our very capable staff. As a reminder, the report is not designed to be a fully comprehensive review of the agency's work over the last year. Rather, the report guides the reader through the agency's performance, details objectives, and explains its operations on behalf of the public. In this vein, I am confident the reader will find the report both informative and insightful.

In closing, I can state, without equivocation, that the agency is better positioned today to meet its important mission than it was a year ago. This outcome is in keeping with the shared vision of the five commissioners who collectively serve as the agency's head, which such vision is to position the agency to serve the public good, today and into the future.

Sincerely,



James E. Brown, Esq.

President

Disclaimer: This document is distributed as a communication from PSC President James Brown. It is distributed with the prior consent of Commission colleagues Vice President Jennifer Fielder and Commissioners Tony O'Donnell, Randy Pinocci, and Annie Bukacek. The document does not necessarily reflect the views of my colleagues. The highest praise and acknowledgement must be given to the very capable agency staff who contributed the objective information and research that went into formulating this report. Their work is recognized and valued.



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 natural gas pipelines.

The PSC also provides limited oversight of motor carriers, including garbage haulers. Although the PSC is not authorized to regulate garbage rates or service quality, it does regulate the entry into and exit from the marketplace and works to resolve customers' assistance requests.

Striving to ensure the availability of reliable, affordable energy is one of the primary functions of the PSC.

Photo of Kerr Dam taken by Craig Solin

5

**Elected
Commissioners**

33

**Full Time
Staff**

Commissioners & Management Team



President James Brown, District 3

James Brown was elected to the PSC in November 2020. James feels it is both an honor and a privilege to represent the people of the State of Montana, and pledges to work diligently on behalf of Montana's hard-working families.



Vice President Jennifer Fielder, District 4

After serving Northwest Montana as a State Senator from 2013 - 2020, Jennifer was elected to serve a broader expanse of western Montana in 2021 as the Public Service Commissioner representing District 4.

In addition to eight years of vital legislative experience, Jennifer brings to the PSC more than two decades of planning, design, and project management experience, which included railways, pipelines, transmission corridors, public works, and Federal Energy Regulatory Commission project relicensing. She began her career as an engineering intern at a public utility which owned and operated four major hydroelectric projects



Tony O'Donnell, Commissioner District 2

Tony O'Donnell was elected to District 2 of the PSC in November 2016. His district encompasses the south-central portion of Montana. 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.



Randy Pinocci, Commissioner District 1

Randy Pinocci was elected to serve on the PSC in November 2018. District 1 has changed twice since he was elected, and it currently has 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.



Commissioner Annie Bukacek, District 5

Dr. Annie Bukacek was elected to the Public Service Commission November 8, 2022. Having been a leader in grassroots advocacy for Montanans for over a decade, her passion for advocacy has now shifted focus to protecting availability and access to reliable and affordable power, water, and other utilities. She is determined to face the facts squarely, as real solutions can only arise from honest evaluation of the problems.

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



PROJECT UPDATE

PSC SUBSTANTIALLY COMPLETES REDDI SYSTEM IN 2023

The PSC's new software modernization project, dubbed "REDDI" (short for "Replace EDDI"), commenced in 2022 and has moved forward on schedule and within budget. With tremendous ongoing efforts on the part of the PSC staff and contractors, and strong cooperation from the legislative and executive branches, the roughly \$3.4 million project reached its substantial completion milestone on December 31, 2023.

In early 2021, the legislature recognized the need to upgrade the beleaguered technology at the PSC and gave the Commission the green light to look for solutions. The Commission initiated an intensive search for a system capable of handling the agency's multi-faceted regulatory business requirements and, after an exhaustive evaluation process, selected Pega Systems and Stratosphere Consulting in June 2022.

Development was planned in incremental stages to serve specific areas of operations. The first stage was released in December 2022 to serve the Consumer Assistance and Utility Outage Reporting units.

"We want to make sure the public is the first to benefit from this project," said Commission President James Brown in a press release at the onset of the project. "The ability for regulated companies and consumers to report utility problems and exchange information regarding outages will be greatly enhanced before year end."

Commissioner Jennifer Fielder was appointed to spearhead the project when she joined the Commission in January of 2021 and noted that the full commission, the legislature, department staff, and the state's IT and Procurement divisions got behind the software modernization project in a big way.

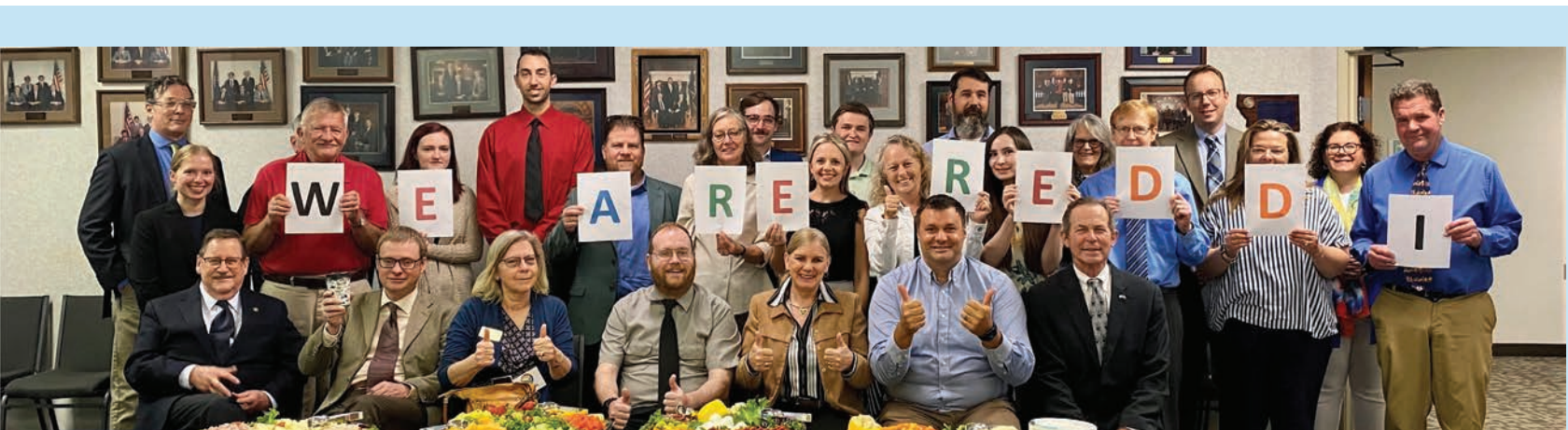
"It was apparent on Day 1 that the old EDDI system had been extremely problematic for our entire staff and the public users as well," Fielder remarked. "Getting that resolved has been a significant undertaking, but I'm confident this new platform will improve efficiencies within the agency and serve the public and the entities we regulate exceptionally well for decades to come."

REDDI continued...

REDDI is designed to support the entire range of Commission business including public participation, docket management, investigations, rulemaking proceedings, legislative tracking, licensing, registration, annual reporting, consumer assistance, railway inspections, pipeline inspections, litigation tracking, and related document processing, data management, and security.

The final major release of the REDDI project is planned to “go-live” in January 2024. Contractors will be retained on a limited basis for up to 6 months to support a post-production enablement period, and with a new dedicated FTE provided by the 2023 legislature, the PSC is expected to assume full, in-house system administration of REDDI by July 1, 2024.

A big part of the PSC’s mission is to facilitate interaction between stakeholders, regulated companies, and the public as the agency balances the interests of consumers and regulated utility companies. REDDI will provide an improved customer service experience for the citizens and business entities involved in regulated service markets in Montana.



Budget Report

The PSC strives to budget responsibly while ensuring the needs of ratepayers and customers can be met. In order to meet statutory requirements, as well as agency goals and objectives for the 2025 biennium, during the 2023 legislative session we requested and received additional budget appropriations for two full time equivalent employees, software license fees, computer replacements, retirement payouts, and funding for the agency's case management software, REDDI.

New FTE

The PSC received the authority to hire an IT Analyst and an Attorney. The IT Analyst currently assists with the REDDI project and will be responsible for system administration once the project is complete, along with other agency IT needs. The attorney position, once hired, will perform legal review, draft PSC orders, and litigate contested cases.

Annual REDDI Software Fees and Computer Replacements

REDDI has an annual license fee of \$142,482 in FY 2024. The cost of the license fee is adjusted each year based on the change to the Consumer Price Index. Agency computers are replaced using Department of Administration's 5-year guidelines.

- REDDI software license fee appropriation: \$308,000 for the biennium.
- Computer replacement appropriation: \$7,200 in FY 2024 and \$9,600 in FY 2025.

Retirement Payouts

The PSC estimated retirement payouts of leave balances of \$80,225 during the biennium and requested and received restricted authority for the potential payouts.



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 safety inspections. The system will provide full functionality for legal, regulatory, and consumer relations dockets, plus railroad and pipeline inspections, an online public portal, and outlook calendaring and email integration, including data and case management. Expected to be completed in FY 2024, the agency received HB 10 (2023) budget authority of up to \$1.496 million. HB 10 (2023) provides funding for long-term information technology projects.

Strategic Planning

In January 2021, the PSC initiated 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 by the PSC Commissioners.

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 30, 2022, and subsequently delivered it to the Montana Legislature's Interim Budget Committee on September 14, 2022.

The adoption of the plan marked an important milestone in the PSC's ongoing efforts to placing the agency on a path to excellence in governance. The document incorporated a wealth of invaluable input from commissioners, staff, legislators, the Legislative Audit Division, and a management consulting firm.

Commission Vice President, Jennifer Fielder, led this important planning effort, indicating that the process involved 14 full PSC meetings, and synthesized a half ream of paper into 24 easy-to-read pages. While it took significant determination, VP Fielder said the finished product was worth the struggle. "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." The optimism indicated by VP Fielder in 2022 has shown to be accurate. Using the Strategic Plan as an aid, the PSC has revitalized the agency, improved the culture and office morale, and generally created an extremely positive work environment. That impression is shared by all PSC staff and commissioners, as well as the legislative auditors who identified the cultural improvements in their 2021-2022 audit of the DPSR.

As current plan objectives are accomplished, we are working on identifying goals to further strengthen the Commission's statutory duties. The modernization of our electronic case management system, REDDI, the upgrades we hope to make to the railway safety program after the 2025 legislative session, and the acquisition of additional policy staff to navigate the ever-changing energy landscape are critical to our goals and objectives. The obligations of the PSC, to ensure adequate, reliable and reasonably priced energy resources to residences and businesses throughout Montana, remain our highest priorities.

PSC President James Brown has been pleased with the progress made to implement the goals for the 2021-2024 Strategic Plan. His belief in the value of the Strategic Plan, combined with the work done by Commission Vice President Fielder and others, continues to guide further efforts in a methodical manner. "We still have some [work to do], 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. We are definitely on the right track."

The full plan can be found on the PSC's website at 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

PSC Hosts Listening Sessions On NorthWestern Energy's Integrated Resource Plan

The PSC conducted a series of five listening sessions on NorthWestern Energy's 2023 Integrated Resource Plan, which evaluated different potential generation resources that could meet the needs of NorthWestern Energy's electric service customers in Montana over the next 20 years.

According to the 2023 Plan, the resources best suited to address NorthWestern Energy's needs are flexible natural gas generation and long-duration energy storage resources. The plan does not identify specific new resources for addition to NorthWestern Energy's resource portfolio.

The purpose of the listening sessions was to provide an opportunity for interested members of the public to comment on NorthWestern Energy's Plan. Listening sessions were held in Great Falls, Helena, Billings, Butte, and Missoula.

A copy of the 2023 Plan is publicly available online at the Commission's website (<http://psc.mt.gov>); and at the office of the Montana Consumer Counsel, which represents consumer interests before the Commission, located at 111 North Last Chance Gulch, Suite 1B, Helena, Montana, (406) 444-2771. Interested parties can register on the Commission's website to receive notice of filings in this docket (2022.11.102). Instructions for subscribing to notices of filings are available at psc.mt.gov/reddi-help.



**Photo courtesy of
NorthWestern Energy**



Legal Division



The Legal Division provides competent legal representation to the Public Service Commission. The Legal Division facilitates the Commission's legal and quasi-judicial proceedings and provides legal counsel to the Commission, and divisions, in matters requiring legal representation, interpretation, or opinion. Its activities include managing dockets before the Commission and related document intake and distribution; drafting Commission notices, orders, and decisions; drafting, revising, and managing administrative rules; conducting legal research; and acting as hearing officers for the agency.

In compliance with HB 190 (2023), the agency has identified several performance metrics for its legal division, including the time it takes the agency to process various stages of contested cases. In the year ahead, the agency will track and report performance based on the time between:

1. Receiving a filing and issuing an initial notice;
2. Receiving complete briefing on a motion and issuing a ruling;
3. Receiving full, final briefing and issuing a final order.

Litigation

The PSC continued to have positive results from litigation in 2023. Major decisions from the year 2023 included:

1. A District Court order affirming the PSC's decision to authorize a new garbage hauler in Missoula County. Order – Petition for Judicial Review, Allied Waste Services of N. America, LLC v. Mont. Public Serv. Comm'n, Cause No. ADV-2022-538 (Mont. 1st Dist. Ct. Jan. 25, 2023).
2. A District Court order affirming the Commission's decision on the majority of the issues disputed in the matter of Caithness Beaver Creek, LLC v. Mont. Dep't of Public Serv. Reg., Cause No. ADV-2022-764 (Mont. 1st Dist. Ct.). The PSC prevailed on key issues affecting the calculation of avoided costs, which impacts how much NorthWestern Energy's customers pay for energy and capacity from certain qualifying facilities.
3. A District Court order in a high-profile lawsuit challenging provisions of the Montana Environmental Policy Act ("MEPA"). Findings of Fact, Conclusions of Law, and Order, Held v. State, Cause No CDV-2020-307 (Mont. 1st Dist. Ct. Aug. 14, 2023). In its Order, the Court recognized that the Commission is statutorily exempt from MEPA.

Attorneys for the PSC continue to focus on active litigation, including a lawsuit challenging the constitutionality of statutes regulating garbage haulers. Noland v. State, Cause No. DV -15-2022-0001308-CR (Mont. 11th Dist. Ct.). A decision in that case is expected sometime in 2024.



Legal Division Continued



Hearings

With support from its legal and regulatory staff, the PSC held several contested case hearings and listening sessions in 2023, including:

1. An evidentiary hearing on NorthWestern Energy's Application for an Advanced Metering Opt-Out Tariff (Dkt. 2022.06.067) (Jan. 31, 2023);
2. An evidentiary hearing on CED Wheatland Wind, LLC, CED Teton Wind, LLC, and CED Pondera Wind, LLC's Petitions to Set Terms and Conditions for Qualifying Small Power Production Facilities Pursuant to MCA 69-3-603 (consolidated as Dkt. 2019.10.076) (Feb. 27, 2023);
3. A 6-day evidentiary hearing on NorthWestern Energy's Application for Authority to Increase Retail Electric and Natural Gas Utility Service Rates and for Approval of Electric and Natural Gas Service Schedules and Rules and Allocated Cost of Service and Rate Design (Dkt. 2022.07.078) (Apr. 11–18, 2023);
4. Three listening sessions on Montana-Dakota Utilities' Application for Authority to Establish Increased Rates for Electric Service (June 13, 2023, June 15, 2023, and July 25, 2023);
5. A series of five listening sessions on NorthWestern Energy's Integrated Resource Plan in cities across Montana (Dkt. 2022.11.102) (Aug. 14–22, 2022); and
6. An evidentiary hearing on the PSC's Investigation into the Adequacy of Legacy Infrastructure Operated by Qwest Corporation d/b/a CenturyLink QC (Dkt. 2021.12.136) (Sept. 11, 2023).

Rulemaking

In 2023, PSC rulemaking focused on implementing statutory changes and cleaning up old, outdated rules that were identified in the PSC's 2022 rule review project. The PSC completed several important rulemaking proceedings in 2023, including:

1. Replacing the PSC's out-of-date rules on least-cost resource planning and procurement in response to statutory changes made in 2019 (MAR Notice 38-5-256);
2. Consolidating and streamlining rules on intervention in contested cases (MAR Notice No. 38-5-258);
3. Repealing administrative rules pertaining to minimum filing standards that no utility had used, and that had expired through the rules' own sunset provision (MAR Notice No. 38-5-261); and
4. Repealing references to Class C motor carriers throughout the PSC's motor carrier rules, to reflect the 2023 Legislature's repeal of Class C regulation (MAR Notice 38-3-250)

Centralized Services

The Centralized Services Division (CSD) provides operational guidance and mission-critical support for the entire agency. CSD employees administer:

- ⚙️ Agency Accounting, Budgeting, and Payroll
- ⚙️ Executive / Agency Support, and Reception
- ⚙️ Human Resources
- ⚙️ Facilities and Inventory
- ⚙️ Contract Management and Procurement
- ⚙️ Records Retention
- ⚙️ Information Technology

Centralized Services Division Highlights:

- ⚙️ Complied with state and federal financial accounting, budget, procurement, contracts, and travel policies, and received a positive Financial Compliance Audit 2021-22 with no new findings and praise from an auditor during a podcast.
- ⚙️ Negotiated and executed contracts, resulting in significant cost savings that can be used for the new REDDI system contingencies in 2024.
- ⚙️ New Information Technology ("IT") staff member earned the first Pega System Architect certification and is well on the way to earning the senior and lead certifications.
- ⚙️ IT staff worked with developers to build out several phases of the REDDI application and learned new configurations of the system, which is slated for final release in January 2024.
- ⚙️ Implemented several new blue book policies along with strategic plan initiatives.
- ⚙️ Staff successfully facilitated business meetings that were live streamed for the public.
- ⚙️ Negotiated building improvements including ADA access with more improvements to be made in 2024.
- ⚙️ Planned and managed trainings for all staff including on-site CPR/AED certification training and safety training.
- ⚙️ Nominated the Montana PSC Regulatory Compliance staff and celebrated their Consumer Relations Team Governor Award for 2023. President Brown acknowledged staff and thanked the team for providing outstanding service to the agency and public.
- ⚙️ Recognized staff member for reaching 40 years of dedicated service to the Public Service Commission.

Centralized Services Division Measurable Performance Metrics:

- ⚙️ Provided on-going maintenance of the REDDI application.
- ⚙️ Provided technical support and resolved over 500 actionable support tickets.
- ⚙️ Maintained the PSC website and managed system security.
- ⚙️ Compiled and distributed materials for all meetings.
- ⚙️ Facilitated meetings that were live streamed for the public.
- ⚙️ Accurate Accounting Reporting / No State or Federal Policy Violations
- ⚙️ Timely Contractual Obligations Met
- ⚙️ No Grievances, Human Rights, or EEO complaints



PRESS RELEASE

PUBLIC SERVICE COMMISSION AUDIT REVEALS SIGNIFICANT IMPROVEMENTS

October 5, 2023 - The Montana Legislative Audit Division completed its financial compliance audit of the Department of Public Service Regulation for fiscal years 2021 and 2022, and the results for the agency were markedly better than previous periods.

The official report presented to the Legislative Audit Committee noted no new recommendations regarding the agency, which is headed by the Montana Public Service Commission.

"The takeaway from this report is that the commission and Department are making forward progress on our recommendations from the past," said Karen Simpson, a financial compliance audit manager for the Montana Legislative Audit Division, in a recent podcast.

"The PSC is very pleased to come before you today having received an exceptional audit for the 2021-22 audit period," Commission President James Brown told the Audit Committee. "This outstanding result was and is the result of intensive work and dedication on the part of the commission and agency staff."

Brown, who was elected to the Commission in 2021, noted that Commission management has changed since prior audit cycles. He described a series of actions undertaken by the Commission since 2021 through the agency's Strategic Planning Initiative, including:

Revisions to the organizational structure to set up a clear chain of command;

Creation of an executive director position to oversee the performance of agency staff on a day-to-day basis and ensure Commission directives, plans, and policies are followed;

A requirement that two of agency's staff positions be occupied by certified public accountants, to provide professional fiscal management and internal controls;

Creation of a business manager position to ensure compliance with state procurement and human resource policies;

A complete revision of the agency's operating procedures and policies; and

Establishment of an internal process for management to annually review agency functions, policies, and performance and identify and rank areas of risk.

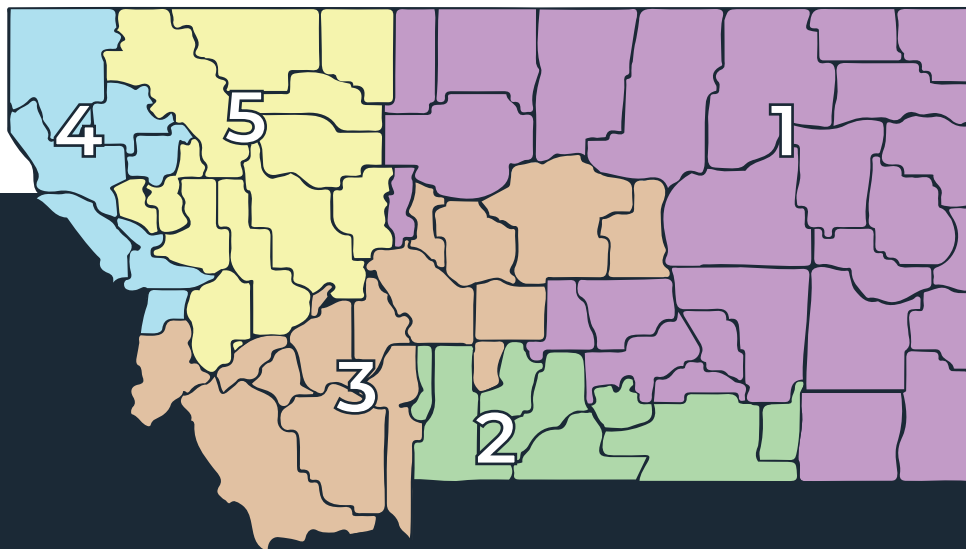
Commission Vice President Jennifer Fielder, who has led the agency's strategic planning and internal policy revisions since she joined the Commission in 2021, said it has been a heavy lift, but has been rewarding to see the best brought out in the agency. "We are a small agency with a huge opportunity to become a model of good government, and that's what we are working hard to do," Fielder said.

"We've raised our standards, implemented appropriate controls, and improved our workplace culture," said Brown. "All of these efforts have resulted in commissioners and staff working together for better communication, coordination, and performance across all divisions of the agency."

Commission District Map

In 2023, the Montana legislature created new PSC district boundaries for the five PSC districts. SB 109, carried by Senator Keith Regier and signed into law by Gov. Gianforte, used the newly established Montana House of Representatives district map to create the boundaries of the revised PSC districts. PSC districts are no longer determined by county boundary lines. Each of Montana's seven most populated cities, excluding Butte, are now represented by two commissioners instead of the previous one commissioner scenario.

In an effort to allow citizens of Montana to easily identify their commissioner, the staff at the PSC is working on an interactive feature on the PSC website that will identify PSC districts by city, town, and address. The new districts are generally depicted as follows:



Commission District #1 (Commissioner Randall Pinocci) is comprised of the following House Districts: 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 43, 44, 45. This district encompasses part of Great Falls and part of Billings, running east across the highline and south along the North and South Dakota borders.

Commission District #2 (Commissioner Anthony O'Donnell) is comprised of the following House Districts: 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62. This district encompasses the majority of Billings and the eastern portion of Bozeman, running from Bighorn County along the Wyoming border to Gallatin County.

Commission District #3 (Commissioner James Brown) is comprised of the following House Districts: 37, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 77, 78, 79, 85, 86. This district encompasses all of Butte as well as the western portion of Bozeman and Helena, running from Ravalli County through to Petroleum County.

Commission District #4 (Commissioner Jennifer Fielder) is comprised of the following House Districts: 1, 2, 6, 8, 9, 10, 12, 13, 14, 87, 88, 89, 90, 93, 94, 95, 96, 97, 98, 100. This district encompasses the majority of Missoula, as well as portions of Kalispell, running from Lincoln County to the northern half of Ravalli County and along the Idaho border.

Commission District #5 (Commissioner Dr. Annie Bukacek) is comprised of the following House Districts: 3, 4, 5, 7, 11, 15, 16, 17, 18, 24, 25, 76, 80, 81, 82, 83, 84, 91, 92, 99. This district encompasses the majority of Kalispell, as well as parts of Great Falls and Missoula. This district runs from Glacier and Toole Counties south to Powell and Lewis and Clark Counties.

Regulatory Division

The Regulatory Division conducts financial, economic, and technical analyses of the operations of regulated public utilities and common carriers; administers tariffs; performs railroad and pipeline safety inspections; monitors compliance; manages enforcement; drafts and implements commission rules, orders, and other directives; administers applications for operation authority; participates in regional transmission forums; assists with developing and modifying regulations and policies and; advises the commission regarding all of these matters. The division is comprised of the following work units:

1. **Economic Analysts.** This sector assists in interpretation and application of public policy, analyzes utility costs of service and long range planning, and develops rate design recommendations.
2. **Accounting Analysts.** This group analyzes operating costs, revenue requirements, and performance of regulated entities.
3. **Pipeline Inspectors.** This unit performs safety inspections on intrastate natural gas lines and storage facilities.
4. **Railroad Inspectors.** These specialists perform safety inspections on locomotives, freight cars, and railway fencing.
5. **Regulatory Compliance Specialists.** This group provides consumer assistance and public outreach functions, and administers applications from regulated motor carriers, telecommunications carriers and water and sewer companies.

Here are some items the Regulatory Division focused on throughout the last year:

The federal Public Utility Regulatory Policies Act (PURPA) requires electric utilities to buy power from qualifying facilities ("QFs"), typically renewable generators. The PSC sets the price when the QF and utility can't agree. The price must reflect the utility's cost of alternative energy, called "avoided cost." In 2023 the PSC processed several PURPA dockets, including: 2019.10.076 addressing charges to interconnect CED's wind project to NorthWestern Energy's system, 2021.12.134 taking additional evidence on NorthWestern Energy's Beartooth Battery, 2022.07.073 setting rates for CELP, and 2023.01.013 setting rates for Trident Solar (settled). In August NorthWestern Energy filed to adjust its standard rates for small QFs in Docket 2023.08.076. Montana-Dakota Utilities made a similar filing in October in Docket 2023.10.090. The Commission will rule on those cases in 2024.

14**Hearings and
Listening Sessions
Held****104****Dockets
Initiated**

Regulatory Division, continued...

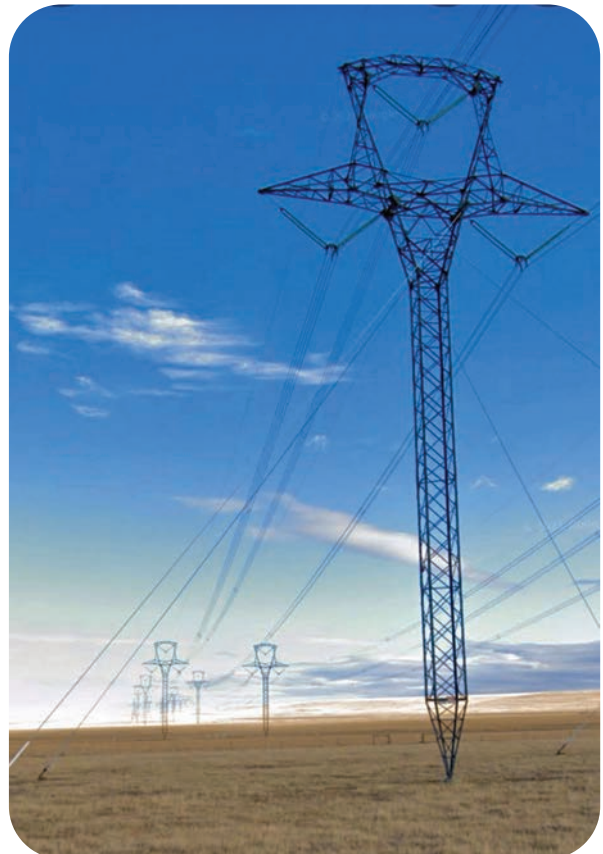


In 2022 NorthWestern Energy filed a combined electric and gas rate case in Docket 2022.07.078 requesting an increase of \$105M for electric, \$27M for gas, and \$69M for Power Costs and Credits Adjustment Mechanism ("PCCAM") base revenue. The PSC conducted a public hearing in April 2023 that examined a settlement agreement reached between NorthWestern Energy, the Montana Consumer Counsel, which represents the consuming public before the PSC, and several parties representing commercial and industrial customers. The settlement agreement included an increase of \$82M electric, \$17M gas, and \$69M for PCCAM base revenue. In October the PSC approved the agreement. Compared to rates in 2022, the decision resulted in a \$21 per month electric bill increase for typical residential customers and \$15 per month increase for typical low-income customers after applicable rate discounts.

In 2022 NorthWestern Energy requested approval of an Advanced Metering Opt-Out Tariff that would charge customer \$75 per service for a non-communicating meter. NorthWestern Energy proposed to charge \$15 per month to read non-communicating meters, or customers could self-read for \$5 per month. The PSC held a two-day hearing starting on January 31, 2023. In July, the PSC denied the request to charge customers to opt out until actual costs are known.

NorthWestern Energy filed its 2023 Integrated Resource Plan ("IRP") in April. The IRP evaluates potential new electric generating resources and energy efficiency programs needed to meet expected future customer demand. The PSC hired an economic consultant to evaluate the computer models used to develop the IRP. The PSC held five public meetings on the IRP throughout NorthWestern Energy's service area and accepted written comments on the IRP through October 6. The PSC will provide a written response to the IRP in late 2023 or early 2024.

The 2023 Montana Legislature established a Special Select Committee on Energy Resource Planning and Acquisition to review laws and policies governing electric utility IRPs and resource acquisition practices. PSC President James Brown sits on the Committee and Regulatory staff provided technical reviews to the Committee on PSC regulations adopted under existing laws during sessions in July and November.



Montana-Dakota Utilities also filed an electric rate case in late 2022 in Docket 2022.10.099 requesting an increase of \$12M. In June 2023 the PSC received an all-party settlement agreement between MDU, the Montana Consumer Counsel, and an industrial customer, Denbury Onshore, that provided for an increase of \$6M. In September the Commission approved the agreement, which resulted in an \$8 per month bill increase for typical residential customers.

The PSC in 2023 continued an investigation into CenturyLink's quality of service to rural customers in Docket 2021.12.136. In September, the PSC held a public hearing on a proposal from CenturyLink to offer customers experiencing service quality issues a one-time \$1,500 contribution toward alternative satellite or wireless service. A ruling is expected in 2024.

The PSC granted Eligible Telecommunications Carrier ("ETC") status to qualified carriers. That status afforded those carriers access to federal universal service funds ("USF") to enhance and improve services in Montana. In 2023, Montana ETCs will receive estimated USF payments of more than \$149 million.

Regulatory Division Measurable Performance Metrics

Measurable performance metrics for Regulatory Division Economic and Accounting analysts are closely linked to performance metrics identified for the Legal Division, given the extensive collaboration that occurs between the two divisions to process cases and other matters. Regulatory analysts must adhere to formal procedural schedules when conducting analyses of utility applications and advising the PSC. Quantifiable metrics subject to procedural deadlines include:

- Issuing PSC discovery
- Identifying potential additional issues
- Issuing pre-hearing fact sheets
- Completing post-hearing analyses of record evidence legal briefing

Regulatory Compliance

Within the Regulatory Division, the Regulatory Compliance Unit is a quasi-freestanding work unit responsible for:

- Administering the Department's Consumer Assistance Program.
- Fielding public calls and other forms of communications/inquiries.
- Facilitating public comment and access to Commission proceedings. Each person who submits a public comment to this office receives a response unless they do not provide contact information.
- Educating the public on how to make their voice heard as 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 and recommending corrective action when necessary.
- Assisting with the department's public information, public policy, document processing, reception, and other administrative support functions.

Measurable performance outcomes for the Regulatory Compliance/Consumer Services Division include making initial contact on consumer assistance requests within a 24-hour period and performing regular follow-up with companies and customers at least once every 8 business days. Public comments are to be processed within 5 business days. Telecommunications registrations need to be processed within 3 business days. Applications from regulated motor carriers, telecommunications providers, and water/sewer companies must be completed within the mandated timelines.

You have been a wonderful spokesperson and a great communicator.

You have gone above and beyond my expected reply.

After the 2 1/2-year ordeal we went through, you took the time to listen to me and believe me, you are an angel in disguise.

I just wanted to say thank you and you solved all my problems!

See what Kudos our staff received from customers!

There should be more people like you out there.

You are amazing, happy you work for our state.

You are a very kind public servant, and it has been a pleasure doing business with you.

You're a nice person to listen.
– Thank you for listening...
Appreciate you listening.

What type of calls come in on the consumer assistance line?

Here are just a few examples:

- Sporadic electric outages impacting an entire neighborhood prompted a call to our office from a concerned citizen, due to the number of folks in that area who rely heavily on their air conditioning. Staff reached out to the company, and their inspection resulted in the discovery of a tree branch interfering with the line. That tree was trimmed, and one more tree that was likely soon to cause problems was also taken care of.
- Several long-distance customers opened up their long-distance bills to find a big surprise – huge bills with numerous international long-distance calls they did not place. One person's bill was over \$25,000 and they were on autopay! The company credited the charges off the bills, and said it appears these customers were victims of telephone fraud.
- A local phone company continued to bill a customer after their account was closed. Each month the customer would call, each month the company would credit the previous month and say it would be taken care of. The customer eventually gave up calling each month, until they were notified of upcoming collection activity for the unpaid charges of \$514.19. Our office intervened and the company found and fixed the error that was causing continued billing and removed all charges.
- A garbage company notified a customer they would no longer pick up garbage at his home, citing icy road conditions. The customer would be required to take his dumpsters down to the county road, year-round. That customer contacted our office, and we were able to successfully negotiate with the company to get pick up service at the home for the months of May through October.
- A caller with electric service to a small, one room cabin had her bill jump from \$39 to \$289. Our staff brainstormed with the caller to help figure out what may have caused the jump. Turned out she had been using two electric space heaters to heat the cabin.
- A caller reported their local phone consistently acts up during rainy weather. The phone was cutting in-and-out, randomly ringing at all hours throughout the day and night, and eventually went completely dead. They worked with the phone company for over a month before contacting our office. We were able to assist in getting the company to repair this line.

Staffing

4 FTE
1 Shared
(Part-Time, Temp)

Requests for Assistance

2,763

Public Comments

1,694

Social Media Posts

Average
6 per week

New Telecom Registrations

44

The Regulatory Compliance Team also compiles a monthly gas and electric rate summary:

2023 Residential Rate Summary (as of the 1st day of each month)

	NWE Gas (therm)	Big Sky Gas (therm)	MDU Gas (dkt)	EWM Gas (ccf)	NWE Electric (kwh)	MDU Electric (kwh)
January		*				
Total Rate	\$1.023225	\$1.242488	\$8.9595	\$7.75308	\$1.140488	\$0.087706
Supply Rate	\$.580637	\$.7999 **	\$7.532	\$.47692	\$.082217	\$.02094
Service Chg	\$6.50/month	NWE	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
February		*				
Total Rate	\$.991535	\$1.092488	\$8.3665	\$7.74162	\$1.140488	\$0.091266
Supply Rate	\$.548947	\$.6499 **	\$6.939	\$.43262	\$.082217	\$.0245
Service Chg	\$6.50/month	NWE	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
March		*				
Total Rate	\$.929565	\$1.092488	\$7.79875	\$6.69708	\$1.140488	\$0.092506
Supply Rate	\$.486977	\$.6499 **	\$6.56	\$.38827	\$.082217	\$.02574
Service Chg	\$6.50/month	NWE	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
April		*				
Total Rate	\$.857765	\$1.092488	\$6.7055	\$.5684	\$1.140488	\$0.089856
Supply Rate	\$.415177	\$.6499 **	\$5.278	\$.25972	\$.082217	\$.02309
Service Chg	\$6.50/month	\$NWE	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
May		*				
Total Rate	\$.7538367	\$1.08856	\$6.7055	\$.47703	\$1.140488	\$0.090456
Supply Rate	\$.315177	\$.6499 **	\$5.278	\$.16947	\$.082217	\$.02369
Service Chg	\$6.50/month	\$NWE	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
June		*				
Total Rate	\$.6538367	\$1.08856	\$6.2915	\$.48043	\$1.140488	\$0.108926
Supply Rate	\$.215177	\$.6499 **	\$4.864	\$.17287	\$.082217	\$.02219
Service Chg	\$6.50/month	\$NWE	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
July		*				
Total Rate	\$.7220507	\$	\$6.2915	\$.50182	\$1.140542	\$0.109096
Supply Rate	\$.287153	\$	\$4.864	\$.19427	\$.082217	\$.02236
Service Chg	\$6.50/month	\$	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
August		*				
Total Rate	\$.7407647	\$	\$7.04750	\$.53996	\$1.140542	\$0.110116
Supply Rate	\$.305867	\$	\$5.62	\$.2347	\$.082217	\$.02338
Service Chg	\$6.50/month	\$	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
September		*				
Total Rate	\$.7749547	\$	\$7.0465	\$.56973	\$1.140542	\$0.111436
Supply Rate	\$.340057	\$	\$5.62	\$.26474	\$.082217	\$.0247
Service Chg	\$6.50/month	\$	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
October		*				
Total Rate	\$.7616147	\$	\$5.3465	\$.54224	\$1.134037	\$0.105306
Supply Rate	\$.326717	\$	\$3.92	\$.2532	\$.076223	\$.0311
Service Chg	\$6.50/month	\$	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
November		*				
Total Rate	\$.8193277	\$	\$5.6305	\$.55379	\$1.145004	\$0.117856
Supply Rate	\$.3367203	\$	\$4.204	\$.26488	\$.081472	\$.04365
Service Chg	\$6.50/month	\$	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day
December		*				
Total Rate	\$.8073177	\$	\$5.6305	\$.55746	\$1.145004	\$0.117856
Supply Rate	\$.3247103	\$	\$4.204	\$.2658	\$.081472	\$.04365
Service Chg	\$6.50/month	\$	\$.30/day	\$6.73/month	\$4.20/month	\$.19/day

* Big Sky Gas is not accepting new residential customers at this time, nor are they renewing existing contracts as of July 2023

** This is a 12-month term commitment rate – other rates also available

Pipeline Safety

Another unit within the Regulatory Division, the Pipeline Safety program ensures the safe construction, operation, and maintenance of intrastate gas pipelines in Montana. This is accomplished through inspection, enforcement, education, and accident investigation. The primary responsibility of the program is protecting the public from the potential dangers of transporting gas by pipeline. Facilities inspected include gas transmission pipelines that move gas cross-country to our cities and towns, gas distribution mains under our streets, natural gas storage facilities, and service lines that deliver gas to businesses and homes. In addition, the “pipeline network” comprises above ground facilities including compressor stations, pressure regulating stations, and control rooms where utilities remotely monitor and operate their systems.

Safety inspections are conducted in the field when pipeline operators are constructing and repairing pipelines and in the file rooms and offices of pipeline operators. Every operations and maintenance task a utility employee performs on the pipeline system has a corresponding written procedure and a record that documents the task. These procedures and records are routinely reviewed by PSC inspectors to ensure compliance with the regulations.

Measurable performance outcomes for the Pipeline Safety program include the number of inspection days and the inspection of the various operators according to planned rotation. The program maintains a database that tracks days and inspections. In addition, as part of the certification process with the US DOT/PHMSA, the PSC’s program is evaluated annually by PHMSA using certain metrics and performance measures to ensure the program is meeting its requirements and goals. This evaluation includes in-office evaluations of goals, objectives, compliance and training. It also includes a field portion to observe PSC engineers conducting proper field inspections.

The PSC participates in the Federal Pipeline Safety Program, with three inspectors responsible for enforcing federal and state pipeline safety regulations.

**179
Field Days**



**75
Inspections**



**4 Violations
Issued**



**11 Violations
Corrected
to Date**

(1 correction due 2024)



**0 Accidents &
Incidents**



Railroad Safety

The Railroad Safety program, another unit within the Regulatory Division, ensures safe railroad operations by applying existing regulations to all types of locomotives and freight cars operating in Montana. The primary responsibility of the program is to protect the public from the hazards related to railroad derailments and accidents. Compliance is regulated through inspections, complaint investigations and accident analysis. Inspections of rolling stock and service and maintenance logs are essential as new technologies, such as electronic braking systems, are applied to locomotives and cars. In addition to future challenges, our program must remain diligent in such areas as crashworthiness, pneumatic braking systems, fire safety, glazing, draft systems and wheel metallurgy. Existing inspection skills are also critical to address the safe movement of damaged or otherwise noncompliant equipment, and all other aspects of inspection, testing, maintenance, operation, and design of locomotives and cars used for freight and passenger railroad service.



Photo of Dan Sherwood performing a safety inspection.

Safety inspections are conducted on railroad property, ensuring compliance with state and federal safety regulations found in Title 49 Code of Federal Regulations (CFR) and Title 69 of Montana Code Annotated (MCA). These inspections are performed at railroad locomotive and carshop facilities, as well as yards, sidings and industry tracks. The program employs 2 Motive Power & Equipment (MP&E) inspectors to inspect equipment across the entire state.



Photo of Montana Rail Link near Harrison, MT courtesy of Frank Keller

Measurable performance outcomes for the Railroad Safety program include the number of inspection days and the number of "units" inspected under numerous CFR parts within the Motive Power and Equipment jurisdiction. The program creates annual inspection plans, targeting the highest risk locations based on previous derailment and accident data. In addition, inspections are performed with special attention given to CFR parts that directly relate to derailment factors such as wheels, draft gears, power brake equipment, etc. (CFR parts 215, 229, 232 and 238). The PSC Railroad program is evaluated annually by the Federal Railroad Administration Regional ("FRA") Specialist for compliance with inspection days, defect summaries and inspection report error synopsis.

Railroad Safety, continued...

The goal of the Railroad Safety Program is to administer an effective safety program and to achieve safe operating and mechanical practices in the rail industry, through compliance with all State and Federal laws that are designed to promote railroad safety as it relates to employees, passengers and the general public.

Objectives and Priorities

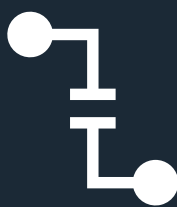
1. Perform inspections in accordance with the annual safety inspection plan.
2. Target the most frequent, highest risk causes of train accidents.
3. Focus oversight and inspection resources on areas of greatest concern.
4. Allocate finite resources for enforcement efforts primarily on the types of defects/violations most likely to cause a train accident or injury.
5. Utilize direct observations and experience in coordination with data driven annual safety inspection plans.
6. Collaborate monthly with FRA and Montana Disaster & Emergency Services coordinators to identify safety risks/trends.
7. Participate in Local Emergency Planning Committee meetings.

The Railroad Safety program conducts ongoing analysis of railroad operational and accident data to focus inspections and audits on high-risk areas and industry non-compliance.

293 Solo Inspections
41 Joint FRA
Inspections



1,827 Defects -
2 Violations



11 Train
Derailments 2022



5 Train
Derailments 2023
(54.5% 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.
- The PSC published 10 press releases throughout the year.



Looking Ahead to 2024

NorthWestern Energy anticipates that its new natural gas plant, the Yellowstone County Generating Station, will be completed in 2024. If that happens, NorthWestern Energy may make a filing to start recovering some of the related costs in rates.

The PSC will be gearing up for the 2025 Legislative session, which includes continuing work with the Select Committee on Energy Resource Planning and Acquisition and the Energy and Telecommunications Interim Committee on potential changes to laws regarding utility resource adequacy, supply planning, and resource acquisition processes. The PSC will also be working with the legislature to add 3 needed full-time employees (FTEs) as recommended by the Legislative Audit Division in 2021.

We also expect Energy West Montana, a natural gas utility serving in the Great Falls and West Yellowstone areas, to file a natural gas rate case in 2024.

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

The PSC plans to complete the full implementation of the Agency Strategic Plan, adopted on August 30, 2022.

[illegible]

Notes:

[illegible]

psc.mt.gov



Contact The Montana Public Service Commission

1701 Prospect Avenue
P.O. Box 202601
Helena, MT 59620

Local: (406) 444-6150 | Toll-Free: (800) 646-6150

psc.mt.gov | pschelp@mt.gov

 @MontanaPSC |  /  @MT_PSC

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