

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 06-05-02**

Date Published: April 27, 2006
For Work Week Commencing: May 1, 2006
Commission Meeting: May 2, 2006, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. BLACK HILLS POWER D2006.3.37 (Eric)

On March 21, 2006, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on March 24, 2006. Requests for hearing were due by April 25, 2006. No requests have been

received. This application will increase revenues by \$54,990 over the base cost of fuel approved in Docket No. 83.4.25. A default order has been drafted. Probable motion: Grant BHP's Quarterly Fuel Rate Rider application.

2. Four (4) Qwest TRO/TRRO Amendments: D2001.7.87 - Qwest/NOS Communications Inc.; D2005.3.40 - Qwest/PiperTel Communications, LLC; D2001.9.125 - Qwest/Contact Communications, Inc.; D2004.3.42 - Qwest/Bridgeband Communications (Gary)

Qwest has filed for approval with this Commission four TRO/TRRO amendments in the dockets listed above. The FCC with the help of the United States D.C. Court of Appeals has redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals issuing what is called the USTA II decision on March 2, 2004. Finally, the Commission issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNES from the list of UNEs required to be offered to competitive local exchange carriers (CLECs). These amendments list approximately 30 UNEs which Qwest and the parties to these agreements have agreed are no longer required to be offered under Section 251.

These four TRO/TRRO amendments are identical as to terms, conditions, and rates and were voluntarily negotiated by the parties involved.

Probable Motion: Move to approve the following four wireline interconnection agreement amendments: D2001.7.87 - Qwest/NOS Communications Inc., D2005.3.40 - Qwest/PiperTel Communications, LLC, D2001.9.125 - Qwest/Contact Communications, Inc., D2004.3.42 - Qwest/Bridgeband Communications.

3. Six Miscellaneous Amendments: D2002.9.108 - Qwest/New Edge DSL Amendment; D2003.1.5 - Qwest/Orbitcom - DSL Amendment; D2001.3.31 - Qwest/Essen - DSL Amendment; D2000.8.134 - Qwest/American Fiber Networks, Inc. - DSL Amendment; D2003.10.155 Mid-Rivers Telephone Cooperative, Inc./Verizon Wireless - Third Amendment to Appendix A; D2004.7.107- Qwest/IDT America Corporation - Bill and Keep for Local Traffic (Gary)

Qwest has filed for approval with the Commission four DSL amendments to existing interconnection agreements (see dockets above). The FCC, on

November 16, 2005, issued FCC Order 05-150 in the FCC's Docket No. 02-33 "Appropriate Framework for Broadband Access to the Internet over Wireline Facilities Proceeding." Because of that FCC order, these DSL amendments remove DSL as a service that can be ordered and purchased from Qwest out of the existing interconnection agreements.

Mid-Rivers Telephone Cooperative has filed an amendment to their existing interconnection agreement with Verizon Wireless. This amendment to Appendix A revises the trunking requirements between Mid-Rivers' and Verizon's Points of Connection (POCs).

Qwest has filed an amendment to their existing interconnection agreement with IDT America Corporation. This amendment removes the Reciprocal Compensation for Local Traffic terms, conditions, and rates from the agreement. The parties have agreed to revert to a bill and keep regime for the exchange of local traffic. Section 251(d)(2)(B)(i) of the 1996 Telecommunications Act recognizes bill and keep arrangements as an acceptable alternative to reciprocal compensation.

These six amendments were voluntarily negotiated by the parties involved.

Probable Motion: Move to approve the following six interconnection agreement amendments: D2002.9.108 - Qwest/New Edge Networks; D2003.1.5 - Qwest/OrbitCom Inc.; D2001.3.31 - Qwest/Essen Communications Corporation; D2000.8.134 - Qwest/American Fiber Networks, Inc.; D2003.10.155 Mid-Rivers Telephone Cooperative, Inc./Verizon Wireless; D2004.7.107- Qwest/IDT America Corporation.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. D2006.2.14; D2006.2.23; D2006.2.25; D2006.3.28 - Qwest Corporation, Navigator Telecommunications LLC, Teton Communications Inc., Page One, N R Recording & Communications Inc. - Interconnection Agreements - Discuss and act on the agreements. (5/2/06)
2. D2004.1.6 – Triangle Communication System, Inc. – Application for ETC Status – Discussion, direction, action on motion for reconsideration, other matters as necessary. (5/2/06)
3. D2006.2.24 – NorthWestern Energy and Vigilante Electric Cooperative, Inc. – Application for approval of an exclusive service agreement – Discussion, direction, action on application. (5/2/06)

4. D2006.1.2 – Montana-Dakota Utilities Co. – Montana-Dakota Utilities Co. electric and gas USB review – Discuss MDU motion for reconsideration, other matters as necessary. (5/2/06)
5. D2006.2.15 – Cut Bank Gas Company – Motion for protective order, other matters as necessary – Discussion, direction, action on motion. (5/2/06)
6. D2006.2.21 – NorthWestern Energy – 2006 Initial Abbreviated Natural Gas Procurement Plan – Prehearing discussion, direction, action as necessary, if necessary. (5/2/06)
7. D2005.5.87 – NorthWestern Energy – 2005-2006 natural gas tracker – Placeholder for continued discussion, direction, action as necessary. (5/2/06)
8. Roundtable proposal – Discuss PSC hosting roundtable to discuss staggered contract and portfolio procurement. (5/2/06)
9. Commission initiated – Consideration of adoption of federal standards established by the Energy Policy Act of 2005 (EPACT). (5/2/06)
10. Staff travel – Approve Gary Duncan's travel to Albuquerque, MN for the New Mexico State University Center for Public Utilities/NARUC Basics Course in the week of May 15th. (5/2/06)

Other Meetings

5/4/06 11:00 a.m. – 2:00 p.m. – NARUC e-forum/webcast on PURPA standards (Staff Conference Room) (no PSC audio feed available)

Weekly Scheduling – Will be held at 9:00 a.m. on the day of the Commission Meeting

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days

following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

1. Ronan Telephone Company N2006.4.47 (Tim)

On April 4, 2006 the Ronan Telephone Company (RTC) filed a Motion for Term Protective Order, pursuant to § 69-3-105(2), MCA; and ARM 38.2.5001-5030, specifically ARM 38.5.5004. RTC seeks “to protect Cost, Traffic and other Proprietary Information which are expected to be periodically filed with the Commission, and/or requested by the Commission in follow-up discovery, in reports or non-docket filings.”

2. Hot Springs Telephone Company N2006.4.48 (Tim)

On April 4, 2006 the Hot Springs Telephone Company (HSTC) filed a Motion for Term Protective Order, pursuant to § 69-3-105(2), MCA; and ARM 38.2.5001-5030, specifically ARM 38.5.5004. RTC seeks “to protect Cost, Traffic and other Proprietary Information which are expected to be periodically filed with the Commission, and/or requested by the Commission in follow-up discovery, in reports or non-docket filings.”

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2006.4.57 – CenturyTel of Montana, Inc. and IDT America, Corp. – Application for Approval of Agreement for Terms and Conditions for Interconnection

