

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 07-05-22**

Date Published: May 17, 2007
For Work Week Commencing: May 21, 2007
Commission Meeting: May 22, 2007, 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. Qwest Corporation N2007.5.47 (Gary)

On May 7, 2007 Qwest Corporation (Qwest) filed for Commission approval a Multi-State Agreement (MSA) between Qwest and H&R Block Services, Inc. (H&R Block). Qwest is filing the MSA with the Commission for approval pursuant to Section 2.18 (Large Business Customers With a Multi-State Presence) of its Exchange and Network Service Tariff, and pursuant to the

Commission's April 16, 2004 Notice of Commission Action (NCA) in Docket N2003.10.149. Also pursuant to the NCA, Qwest filed proprietary cost information. The MSA is the result of Qwest's response to H&R Block in a formal competitive bid process for certain business services. These services are available from other competitive carriers in addition to Qwest.

Probable Motion: Move to approve the Qwest Corporation/H&R Block Services, Inc. MSA in Docket N2007.5.47.

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

1. N2007.5.48 – Qwest Corporation – Motion for protective order – Discuss and act on motion---Annual report salary information & central office & access line statistics. (05/22/07)
2. D2006.10.143 – Qwest Customers v. Qwest – Formal complaint alleging excessive earnings – Discuss procedural order and MCC intervention. (05/22/07)
3. D2007.5.44 – NorthWestern Energy – 2007 Gas Cost Tracker – Discussion, direction, action on motion for protective order, other matters as necessary. (05/22/07)
4. D2006.6.94 – NorthWestern Energy – 2006 Qualifying Facility/Avoided Cost – Discussion, direction, action on motions related to discovery, other matters as necessary. (05/22/07)
5. Rulemaking – PSC – Proposed amendment to qualifying facility rule – Discussion, direction, action on proposed rulemaking, and other QF rule matters as necessary. (05/22/07)
6. L-07.05.1-RUL – Amendments to and repeal of certain protective order rules (38.2.5001-5030) – Discuss draft proposed rule changes, get direction from the Commission on any changes to the draft, and get approval from the Commission to file with the SOS by May 29. (05/22/07)
7. State fiscal year 2008 travel allocation – Discuss the proposed travel budget to be allocated between commissioners and staff. (05/22/07)

8. **1:30 p.m.** – D2006.6.82 –NorthWestern Corporation and BBIL – Joint application for approval of the sale & transfer of NorthWestern Corp. pursuant to a merger agreement – Discuss legal authority and legal standard and provide direction to staff on these matters for final or proposed order. (05/22/07)
9. **1:30 p.m. (Immediately following #8)** – D2006.6.82 – NorthWestern Corporation and BBIL - Joint application for approval of the sale & transfer of NorthWestern Corp. pursuant to a merger agreement - Discuss case and obtain Commission direction for drafting final order. (05/22/07)

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.

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

D2007.5.49 – MT Associates LLC and Aquaflo, LLC – Joint Application for Approval of Sale of Business Assets and Transfer of Service Authority.
N2007.5.50 – Montana-Dakota Utilities Co. – Biennial Filing of Electric Integrated Resource Plan.