

**SECOND REVISED
MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 07-07-24**

Date Published: July 19, 2007

For Work Week Commencing: July 23, 2007

Commission Meeting: July 24, 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. BLACK HILLS POWER Docket D2007.6.71 (Eric)

On June 27, 2007, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on June 29, 2007. Requests for hearing were due by July 23, 2007. No requests have been received. This application will increase revenues by \$62,886 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.

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

1. D2006.6.82 – NorthWestern Corporation and Babcock & Brown Infrastructure - Joint Application for approval of the Sale and Transfer of NorthWestern Corporation Pursuant to a Merger Agreement – Discuss and act on Application for Rehearing and to Reopen the Record and, contingently, to discuss and act on Petition for Intervention of Law Debenture Trust and Magten Asset Management. (7/24/07)
2. D2007.4.37 – Swiftel, LLC – Application for ETC Designation – Discussion, direction, action on dismissal of application. (7/24/07)
3. D2007.2.18 – MTPCS, LLC, d/b/a Chinook Wireless – Application for ETC Designation – Discussion, direction, action on motion for protective order, other matters as necessary. (7/24/07)
4. N2007.7.76 and N2007.7.78 – NWE – Medical Emergency Rule Application – Act on request for Commission intervention in establishment of customer payment arrangements, and general discussion of ARM 38.5.1411, Medical Emergencies, including discussion of possible revisions to the rule. (7/24/07)
5. D2003.7.86 (et al.), D2006.6.94, and D2007.6.59 – NorthWestern Energy – NWE '03, '04, '05 (consolidated), '06, and '07 Annual Qualifying Facility Avoided Cost Dockets – Discussion, direction, action on pending matters, other matters as necessary. (7/24/07)
6. D2007.4.33 – Firelight Meadows and HLH – Sale of water and sewer utility – Discussion, direction, action on motion for protective order, other matters as necessary. (7/24/07)
7. **07/26/07 11:00 a.m.** – D2004.1.6 – Triangle Communication System, Inc. (Tri-Com, or TCS) – Application for ETC designation and to redefine study areas – Discussion, direction and action on motions for reconsideration and any other matters as necessary. (7/26/07)
8. **07/26/07 at 11:00 a.m.** – D2004.1.6, N2006.8.118 – Triangle Communications – ETC Designation, ETC Certification – Dependent on PSC

action on reconsideration of ETC designation, to discuss and act on request for ETC certification, other matters as necessary. (7/26/07)

Other Meetings

Weekly Scheduling, Review of Monthly Calendars, and Docket Status Updates (if requested by a Commissioner).

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.

1. Sprint N2007.83 (Scott)

On July 12, 2007, Sprint filed changes to its Montana P.S.C. Price List No. 1. This filing makes the following changes: 1) adds certain services to the Trademarks and Service list previously missing; 2) Removes references to Single Source Solutions inadvertently missed in a previous filing; 3) Removes certain services and Trademarks that are not being offered; 4) removes an expired promotion. Sprint request this tariff become effective August 3, 2007.

2. Qwest N2007.7.84 (Scott)

On July 13, 2007, Qwest filed Tariff Transmittal QC 07-01. Pursuant to final orders in Docket No. D2001.11.147 and D99.5.129 Qwest needs to reduce the monthly per line Exchange Area Service (EAS) surcharge from \$2.81 to \$2.72. Further, since the reduction associated with Docket D2001.11.147 should have been implemented October 1, 2006, Qwest will be issuing a one-time EAS credit of \$0.34 per line.

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.

1. Qwest Corporation N2007.5.48 (Jim)

A protective order, PSC Order No. 6839, was issued July 11, 2007, in the above matter, in which central office and access line statistics as well as compensation of employees in Qwest's annual report was afforded protection from public disclosure.

2. Qwest Corporation D2006.10.143 (Jim)

A protective order, PSC Order No. 6811c, was issued July 11, 2007, in the above matter, in which cable and wire facilities detail and location of buried cable was afforded protection from public disclosure.

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2007.7.79 – Montana-Dakota Utilities Co. – Application for authority to establish increased rates for electric service

D2007.7.80 – NorthWestern Energy – Monthly electric default supply cost rate adjustment for the period August 1, 2007 through July 31, 2008

D2007.7.81 – NorthWestern Energy – Monthly natural gas cost rate adjustment for the period August 1, 2007 through June 30, 2008

N2007.7.83 – Sprint Nextel – Sprint Communications Company L.P. Montana P.S.C. Price List No. 1 – Changes made to filings

N2007.7.84 – Qwest Corporation – Tariff Transmittal QC 07-01 – Extended area calling revisions to business and residence local service increment

D2007.7.85 – Energy West Montana – Service rules and regulations in tariff format

D2007.7.86 – Verizon Wireless – Notice of Bona Fide request to Hot Springs Telephone Company for a local interconnection agreement

D2007.7.87 – Verizon Wireless – Notice of Bona Fide request to Ronan Telephone Company for a local interconnection agreement