

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 08-08-12**

Date Published: August 7, 2008
For Work Week Commencing: August 11, 2008
Commission Meeting: August 12, 2008, 9:00 a.m.

General Introduction *This agenda is the Commission's Utility Division agenda for the work week designated. In the latter 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 webcast *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 and video feed links 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. Central Montana Communications, Inc. N2008.7.86 (Scott)

On July 24, 2008, Central Montana Communications, Inc. proposed changes to its Monthly Recurring Charges. They requested that due to increases in the cost of wholesale long distance minutes, the monthly rates need to be increased on the bundles which include long distance minutes. The Gold and Platinum Bundle rates need to increase by \$1 per month and the Always In Touch Bundle rate needs to be increased by \$5 per month. In addition, the unlimited long distance bundle upgrade options need to be increased by \$5 per month. Probable Motion: Approve Central Montana Communications, Inc.'s proposed changes to its Monthly Recurring Charges in Docket N2008.7.86.

2. Qwest Corporation D2004.3.32 (Gary)

Qwest Corporation/Avika Communications, Inc. - TRO/TRRO Amendment

Qwest has filed for approval with this Commission a TRO/TRRO amendment in the docket listed above. The FCC, with the guidance 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 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). This amendment lists approximately 30 UNEs which Qwest and the party to this agreement have agreed are no longer required to be offered under Section 251. This amendment was voluntarily negotiated by the parties involved. Probable Motion: Move to approve the interconnection agreement amendment between Qwest Corporation and Avika Communications, Inc. in Docket No.D2004.3.32.

3. Qwest Corporation D2004.11.184 (Gary)

Qwest Corporation/ComPartners, LLC Interconnection Agreement Amendment

Qwest Corporation (Qwest) filed for approval by the Commission this interconnection agreement amendment between Qwest and ComPartners, LLC in Docket No. D2004.11.184. This amendment adds rates for Interconnection Distribution Frame (ICDF) Collocation to the existing interconnection agreement. This amendment was voluntarily negotiated by the parties involved. Probable Motion: Move to approve the interconnection agreement amendment between Qwest Corporation and CommPartners, LLC in Docket No. D2004.11.184.

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

1. D2008.4.36 – PSC Initiated Investigation of NorthWestern Corporation's Compliance with Order 6505e – Consider and act on NorthWestern's motion for a protective order covering federal and state income tax returns for the years 2001 through the present. (8/12/08)
2. D2008.6.69 – NorthWestern Corporation – Application for Approval of its Interest in Colstrip Unit 4 as an Electricity Supply Resource under Certain Terms and Conditions Including Certain Treatment of Net Operating Losses – Discuss and act on NorthWestern's motions for protective orders covering (1) forecasted financial information concerning potential financial consequences if the sale to Bicent is consummated and the proceeds are used in a particular way, and (2) any non-privileged communication by and between its non-attorney employees directly related to ongoing administrative/legal proceedings involving Colstrip 4. (8/12/08)
3. Staff travel – Get Authorization for Mike Lee to attend the October Qwest Regional Oversight Committee (ROC) meeting. (8/12/08)

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. MDU Resources Group, Inc. D2008.7.91 (Eric)

On July 31, 2008, MDU Resources Group, Inc. applied for authority to issue over a two-year period \$1,000,000,000 of long-term financing in the following amounts: (1) the issuance of not to exceed \$1,000,000,000 of the Company's Common Stock; (2) the issuance of not to exceed \$150,000,000 of the Company's Preferred Stock and/or Preferred Stock A; (3) the issuance of not to exceed \$350,000,000 of the Company's secured debt securities; (4) the issuance of not to exceed \$350,000,000 of stock purchase contracts and (5) the issuance of not to exceed \$350,000,000 of hybrid securities such as convertible or unconvertible preferred securities, putable or callable instruments. The proceeds of these issuances will be used for funding the Company's capital requirements, for the refunding of its outstanding obligations, for corporate development including the acquisition of businesses or business assets, and for other general corporate purposes.

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. NorthWestern Energy (NWE) D2008.4.36 (AI)

On August 6, 2008, NWE filed a motion for protective order to govern access to certain confidential information that it asserts is responsive to certain data requests issued in this docket. Specifically, NWE seeks protection for NWE's non-public company-wide forward-looking financial projections and financial modeling information. NWE asserts that the information is trade secret.

2. NorthWestern Energy (NWE) D2008.4.36 (AI)

On August 7, 2008, NWE filed a motion for protective order to govern access to certain confidential information requested in this docket. Specifically, NWE seeks protection for those portions of the Coal Supply Agreement dated July 2, 1980, and as amended and restated August 24, 1998, between The Montana Power Company, Puget Sound Energy, Inc., Portland General Electric Company, the Washington Water Power Company (now Avista), PacificCorp and Western Energy Company, which have been redacted by Westmoreland Coal Co. in its public filings made with the Securities and Exchange Commission. NWE asserts that the information is trade secret.

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

D2008.7.91 – MDU Resources Group, Inc. – Application for Authorization for the Issuance of Securities

D2008.8.92 – Southern Montana Telephone Company, Inc. and Gold Creek Cellular of Montana Limited Partnership dba Verizon Wireless and Verizon Wireless LLC dba Verizon Wireless – Application for Approval of the Reciprocal Transport and Termination Agreement