

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-05-19**

Date Published: May 14, 2009
For Work Week Commencing: May 18, 2009
Commission Meeting: May 19, 2009, 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.

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

1. D2008.8.95 – NorthWestern Energy – Application for Approval to Construct and Operate Mill Creek Generating Station to Supply Regulation Service for its Montana Electric Operations and Montana Transmission Control Area – Discuss/act on final order. (5/19/09)
2. D2009.5.60 – Qwest Corporation – Motion for a Term Protective Order to protect cost/rate comparison information (e.g., information required to be filed under the terms of the final AFOR order) for a 5 year term (same duration as AFOR that was approved) – Consider Qwest’s protective order request. (5/19/09)
3. D2008.6.68 – PSC Initiated Complaint against Basic Access Communications, Inc. – Consider Basic Access’ Motion for Protective Order to protect customer names, addresses and telephone numbers. (5/19/09)
4. D2008.1.3 – Ronan Telephone Company, Hot Springs Telephone Company and Qwest Corporation – Petitions to Open Contested Case Proceeding to Adjudicate Issues Referred to the Commission by the U.S. District Court – Discuss/act on draft final order. (5/19/09)
5. D2008.9.111 – PSC Initiated Investigation of Alltel Communications, Inc.’s Compliance with ETC Designation Requirements – 1) Discuss Alltel’s Motion for Protective Order; and 2) Discuss procedural matters including suspending the procedural schedule and, if necessary, ordering Alltel to file responsive answers to a number of data requests. (5/19/09)
6. D2009.1.9 – AquaFlo, LLC – Application for Authority to Increase Rates and Charges and Amend Tariff Rules and Regulations for Water and Sewer Service to its Helena, Montana, Customers – Discuss AquaFlo’s objection to PSC data request PSC-020. (5/19/09)
7. D2008.8.97 – Five Valleys Gas Company– Application to Implement Increased Rates in its Seeley Lake, Montana, Service Area – Discuss and act on interim order. (5/19/09)

8. D2007.7.82 – NorthWestern Energy – Application for Approval for Authority to Establish Increased Natural Gas and Electric Delivery Service Rates – Discuss comments received regarding Commission and/or Commission staff participation in settlement discussions and provide direction. (5/19/09)
9. D2002.8.100 – Whitehall Wind, LLC – Petition for QF Rate Determination – Discuss procedure on remand from District Court. (5/19/09)
10. Placeholder – Organization of MISO States (OMS) – Discuss action items raised at the May 14th OMS Board of Directors Meeting: 1) Midwest ISO's (MISO) Order 719 compliance filing; and 2) OMS position on cost allocation for PHASE I of the Regional Expansion Criteria Benefits Task Force. (5/19/09)
11. N2009.4.45 – PSC Initiated – Proposed Adoption of Rules Regarding Installation by Electric Utilities of Light Emitting Diode (LED) Street and Area Lighting – Consider the draft order circulated by staff closing the docket. (5/19/09)
12. Out of state staff travel – Obtain approval for Steve Cameron to attend the Mid-America Regulatory Conference in Traverse City, Michigan, June 15-17. (5/19/09)

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. D2009.5.59 (Eric)

On May 1, 2009, MDU Resources Group, Inc. applied for authority to issue up to 3,000,000 shares of its authorized but unissued Common Stock pursuant to MDU Resources' 401(k) Retirement Plan. MDU Resources also requested that the new authorization supersede and replace the existing authorization under Docket No. D2006.10.153, Default Order No. 6787.

2. Hot Springs Telephone Company N2009.5.64 (Scott)

On May 12, 2009, Hot Springs Telephone Company (HSTC) requested the Commission approve its request to withdraw its Internet Access Service (DSL and dial-up Internet) Tariffs. HSTC will continue to offer DSL and Internet Service pursuant to FCC NECA Tariff No. 5. In 2005, the FCC issued an order essentially deregulating wireline broadband Internet service. In addition, as a data and information service, DSL and other Internet Service fall outside the definition of "regulated service" in the Montana Code.

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

D2009.5.61 – Electric City Power, Inc. – Petition for Certification of an Eligible Renewable Resource

N2009.5.64 – Hot Spring Telephone Company – Request to Withdraw DSL Tariffs

N2009.5.65 – Qwest Corporation – Request for Commission to Accept Qwest's Last-Submitted Annual Performance Assurance Plan (PAP) Payment Cap as Satisfying PAP Section 12.1 for This and Future Years