

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 09-05-28**

Date Published: May 21, 2009
For Work Week Commencing: May 25, 2009
Commission Meeting: May 28, 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.

1. Hot Springs Telephone Co. N2009.5.64 (Scott)

On May 12, 2009, Hot Springs Telephone Co. (HSTC) request the Commission approve their request to withdrawal 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.

Probable Motion: Approve HSTC request to withdrawal its Internet Access Service Tariffs in Docket N2009.5.64.

2. 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. A Default Order has been drafted. Probable Motion: Approve MDU Resources' application to issue up to 3,000,000 shares of Common Stock pursuant to the Company's 401 (k) Retirement Plan.

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

1. N2009.5.58 – Lincoln Telephone Company – 2008 Annual Report – Consider Lincoln Tel's Motion for Protective Order to prevent disclosure of Schedule 27 (top salaries of its employees) of Annual Report. (5/28/09)
2. D2009.4.56 – MDU – 2009 cost of service and rate design compliance filing – 1) Brief the Commission on the filing; 2) if necessary, make recommendations regarding MDU's compliance with filing requirements; 3) obtain PSC authorization to initiate a preliminary discovery process. (5/28/09)
3. National Conference of Regulatory Attorneys – Get direction on whether Legal can volunteer to host the conference in 2011 or 2012. (5/28/09)

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. Qwest N2009.5.65 (Kate)

On May 13, 2009, Qwest requested approval of its proposal to set the wholesale Performance Assurance Plan (QPAP) annual payment cap at the 2008 level of \$21,631,000 rather than re-calculating the payment cap yearly to a level that is 36% of Qwest's ARMIS net return as required by Section 12.1 of the QPAP. The reason cited by Qwest for its request is that, pursuant to recent FCC orders, Qwest no longer files the ARMIS 43-01 report with the FCC from which the net return information is drawn.

2. Citizens Telecommunication D2009.5.67 (Scott)

On May 14, 2009, Citizen filed Advice Letter No. MT-09-06. The purpose of this filing is to grandfather the Frontier Digital Phone Essentials residential bundle and change the name to Frontier Digital Phone Bronze. The company requests that this filing become effective on June 16, 2009.

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

D2009.5.66 – Energy West Montana – Cascade – Application for Authorization to Convert Existing Propane System to a Natural Gas System and to Adjust Existing Rates Accordingly

N2009.5.67 – Citizens Telecommunications Company d/b/a Frontier Communications of Montana – Frontier Digital Phone Essentials/Bronze and New Bundle Frontier Unlimited State