

**MONTANA PUBLIC SERVICE COMMISSION
AGENDA NO. 10-10-26**

Date Published: October 21, 2010
For Work Week Commencing: October 25, 2010
Commission Meeting: October 26, 2010, 9:00 a.m.

General Introduction This agenda is the Commission's 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://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 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. Approval of Commission Minutes (Kate)

Approval of the Commission Minutes for the week of October 11, 2010

2. BLACK HILLS POWER, INC. (BHP) D2010.9.97 (Eric E.)

On September 21, 2010, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on September 23, 2010. Requests for hearing were due by October 25, 2010. No requests have been received. This application will increase revenues by \$67,778 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.

3. Capt N Trips LLC T-10.7.PCN (Eric D.)

Capt N Trips, LLC, Missoula, Montana, submitted an application for a certificate of public convenience and necessity in April 2010. That application was noticed to the public and protests were received. A public hearing was held. The applicant, Capt N Trips, LLC now requests that the application be withdrawn and the docket closed. Probable Motion: Close the docket as requested.

Class B – Passengers all points and places in Missoula County, Montana. LIMITATION: Transportation is limited to movements to or from taverns and outdoor public events.

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

1. D2010.7.78 – Havre Pipeline Company, LLC – Application to Decrease Rates and Charges to its Direct Rural Farmstead Customers – Discuss/act on final order. (10/2610)
2. 2003.1.14 – WWC Holding Co., Inc. – Application for Designation as an Eligible Telecommunications Carrier – Discuss/act on the request of WWC Holding Co. to relinquish its designation as an ETC in Montana. (10/26/10)

3. T-10.33.COM – Carrie Pintar dba Amazing Taxi – Complaint against Jessie Rumble, Individually; Jessie Rumble as Managing Director/CEO of Rumble, Inc.; Rumble, Inc. dba Classic Limo; and the Public Service Commission – Discuss and act on noticing the complaint to defendants over whom the Commission has jurisdiction. (10/26/10)
4. D2010.7.77 – NorthWestern Energy (NWE) – Application for Approval of Avoided Cost Tariff for New Qualifying Facilities – Discuss and act on Montana Small Independent Renewable Generators’ Objection to NWE’s Responses to MSIRG’s First Set of Data Requests to NWE and Motion to Compel. (10/26/10)
5. PSC Initiated – Motor Carrier Citation Adjudication Policy – Discuss and provide direction to staff regarding proposed Commission policy for adjudicating motor carrier violations. (10/26/10)
6. Personnel/budget – 1) Discuss and act on using Wayne’s FTE as an assistant to Staci; 2) Discuss and act on requesting from the 2011 legislature an additional FTE for pipeline safety; 3) Other personnel or budget matters, if any. (10/26/10)

Other Meetings

10/28/10 12:00–1:30 p.m. – NRRI teleseminar: “Formula Rate Plans: How They Compare with Traditional Ratemaking in Promoting the Public Interest” (Commission Conference Room – no web audio feed)

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. Montana-Dakota Utilities Co. N2010.9.95 (Eric D)

On September 15, 2010, Montana-Dakota Utilities Co. (MDU) filed a request for a special permit in order to modify how MDU is required to comply with 49 CFR Part 192.285(c). Section 192.285(c) requires that gas service personnel be qualified to make plastic joints every 12 months. The requested special permit will allow MDU to qualify its gas service personnel to make plastic pipe joints once each calendar year not to exceed 15 months.

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. Energy West Montana D2010.9.90 (Justin)

On October 14, 2010, Energy West Montana (EWM) filed a Motion for Protective Order to protect from disclosure the workpapers, links, and analysis embedded in the Cost of Service study which was prepared by EWM's expert consultants, Black & Veatch.

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

None