

Service Date: February 13, 2015

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

IN THE MATTER OF the Complaint of	)	REGULATORY DIVISION
James T. and Elizabeth A. Gruba,	)	
Leo G. and Jeanne R. Barsanti, and	)	DOCKET NO. D2010.2.14
Michael W. and Frances E. Paterson	)	
on Behalf of Themselves and Others	)	ORDER NO. 7084j
Similarly Situated,	)	
	)	
Complainants,	)	
	)	
v.	)	
	)	
NorthWestern Energy	)	
	)	
Respondent.	)	

**NOTICE OF STAFF ACTION**

In February 2010, Complainants’ predecessors filed with the Public Service Commission (Commission) an original Complaint against NorthWestern Energy (NorthWestern) challenging certain aspects of the operation of street lighting districts in Billings in particular, and Montana, in general, including the ownership charge contained within the electric lighting tariff and the absence of light emitting diode (LED) luminaires on street lights. The Commission dismissed the original Complaint for lack of standing, and Complainants’ predecessors filed for judicial review in the Thirteenth Judicial District Court, Yellowstone County. The district court affirmed the Commission’s dismissal, and Complainants’ predecessors appealed to the Montana Supreme Court. The Montana Supreme Court affirmed the Commission’s dismissal and remanded the matter back to the Commission to consider a subsequently filed amended complaint. Now before the Commission for its consideration is Complainants’ Second Amended Complaint.

On June 10, 2014, the Commission appointed Laura Farkas to act as hearings officer for the purpose of acting on protective orders, motions, and discovery issues.

On February 6, 2015, Ms. Farkas issued Order No. 7084i granting NorthWestern's Motion to Strike Testimony and Motion to Strike Testimony of Edward Smalley.

On February 9, 2015, Complainants filed a motion requesting that the time to seek reconsideration to Order No. 7084i be extended until orders addressing various discovery disputes are issued.

Complainants' Motion for an extension is hereby GRANTED. Parties will have 10 days after the issuance of Order 7084k in which to file a motion for reconsideration in regard to Order Nos. 7084i, 7084j, and 7084k.

BY THE MONTANA PUBLIC SERVICE COMMISSION

BRAD JOHNSON, Chairman  
TRAVIS KAVULLA, Vice Chairman  
KIRK BUSHMAN, Commissioner  
ROGER KOOPMAN, Commissioner  
BOB LAKE, Commissioner