

Service Date: February 25, 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	)	
Similarly Situated,	)	
	)	
Complainants,	)	
	)	
v.	)	
	)	
NorthWestern Energy	)	
	)	
Respondent.	)	

**NOTICE OF COMMISSION 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 their *Second Motion for Timely Ruling on Pending Matters*, requesting that the time to seek reconsideration to Order No. 7084i be extended until orders addressing various discovery disputes are issued.

On February 13, 2015, the Commission, through delegation of authority to staff, issued a *Notice of Staff Action* granting Complainants' request for an extension of time to seek reconsideration. On February 13, 2015, Ms. Farkas issued Order No. 7084i, granting in part and denying in part Complainants' motions to compel discovery.

On February 24, 2015, a regularly scheduled work session was held to address Complainants' request in their *Second Motion for Timely Ruling on Pending Matters* that oral argument on the outstanding motions be held before the full Commission, and that the full Commission issue a final decision.

Complainants request is hereby DENIED. The Commission appointed Staff Attorney Laura Farkas to rule on outstanding matters, including Complainants' outstanding motions. The Commission finds it more expeditious to allow Ms. Farkas to continue ruling on outstanding matters. The Commission is eager to have a procedural order in place so that they may hear the merits of this case.

BY THE MONTANA PUBLIC SERVICE COMMISSION

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