

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, October 29, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Matt Brainard, Commissioner
Bob Rowe, Commissioner

Commissioner Anderson was absent but left written votes with the Commission Secretary.

APPEARANCE

Steve Vick
Utility Division

(450) In the matter of Black Hills Power, Docket No. D2002.10.122; On October 1, 2002, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on October 3, 2002. Requests for hearing were due by October 28, 2002. No requests have been received. This application will decrease rates by \$17,508 over the base cost of fuel approved in Docket No. 83.4.25. A default order has been drafted. Commissioner Stovall moved to approve the application and issue the default order. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(451) In the matter of Qwest Communications, Docket No. N2002.9.113; On September 5, 2002, Qwest filed Tariff Transmittal 02-26 ISDN Single Line Promotion. In this filing Qwest is requesting that customers subscribing to ISDN single line service under a one, two, three or five year rate stability agreement will receive a waiver of non-recurring charges and a \$55 credit against monthly recurring charges on their first telephone bill after installation. Contracts must be signed by December 27, 2002. The customer requested installation date may be no later than February 25, 2003. Commissioner Rowe moved to approve the promotion. Commissioner Stovall seconded the motion, which passed with a vote of 4 to 1. Commissioners Anderson, Feland, Rowe and Stovall voted aye. Commissioner Brainard dissented.

(452) In the matter of Central Montana Communications, Docket No. N2002.10.124; On October 11, 2002, Central Montana Communications filed changes in its tariffs. Central Montana Communications is requesting that the nonrecurring rate for 1+900 and/or 1+800 blocks has been increased from \$8.68 to \$10.00 the nonrecurring charge of \$10.00 will also apply to the removal of other blocks such as call trace, continuous redial and last call return. These changes will more accurately reflect the actual cost of the removal, as well as aid in administrative ease. Commissioner Stovall moved to approve the tariff changes. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(453) In the matter of Qwest Communications, Docket No. N2002.10.125; On October 15, 2002, Qwest filed Tariff Transmittal 02-29, Introduction of 3 Year Rate Stabilized Term for Qwest Business Line Plus (QBLP). Qwest Business Line Plus is a package of three features available to business customers in conjunction with an individual or additional flat rate access line. Business customers subscribing to the package are entitled to the following three standard features: Call Forwarding – Variable; Call Transfer and Three-way calling. This filing is designed to allow customers another term when selecting QBLP by making a 3-year rate stabilized term available. In addition, the tariff language is being revised to allow verbal commitments by customers to the rate stabilized plans. Customers selecting an RSP will be sent a written

confirmation outlining the features, terms and rates of the RSP the customer selected. Qwest is requesting a November 14, 2002 effective date for this additional option. Commissioner Rowe moved to approve the tariff filing. Commissioner Stovall seconded the motion, which passed with a vote of 4 to 1. Commissioners Anderson, Feland, Rowe and Stovall voted aye. Commissioner Brainard dissented.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(454) In the matter of T-02.79.PCN; On July 15, 2002 Christopher P. Birkle, Missoula, Montana filed an application for a Montana Intrastate Certificate of Public Convenience and Necessity. The application was noticed to the public on August 12, 2002. Protests were filed and a public hearing on the application was scheduled for November 1, 2002. Applicant is requesting that the application be withdrawn and the docket closed.

Class B – Passengers within the City of Missoula, Montana and a fifty (50) mile radius thereof. LIMITATIONS: 1) Operations in limousine service is prohibited. 2) Operations to or from the Missoula International Airport is prohibited.

Commissioner Rowe moved to authorize the withdrawal and close the docket. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(455) In the matter of T-02.93.OTSC; On October 1, 2002 an Order to Show Cause was issued to Ray Jerrel Feed & Supply, Inc., Miles City, Montana, PSC No. 3543, for failure to comply with vehicle registration requirements. The Order to Show Cause was sent via certified mail and received by the carrier on October 4, 1002. There has been no response.

SUB A Class C - Property within the City of Miles City, Montana and a radius of fifty (50) miles thereof. Limitations: (1) Transportation of property on or between points on routes now served by Class "A" carriers is prohibited; pick-up and delivery service within those points and a radius of one (1) mile thereof as served by Class "A" motor carriers and routes served by existing rail carriers is prohibited. (2) Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

SUB B Class B - Livestock between all points and places in the State of Montana.

Commissioner Stovall moved to approve the cancellation. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(456) In the matter of T-02.97.OTSC; On October 1, 2002 an Order to Show Cause was issued to Red Lodge Shuttle LLC, Red Lodge, Montana, PSC No. 9388, for failure to comply with vehicle registration requirements. The Order to Show Cause was sent via certified mail and received by the carrier on October 8, 1002. There has been no response.

Class B - Persons and baggage (1) between all points and places in Carbon County, Montana; and (2) between all points and places in Carbon County, Montana on the one hand and on the other hand all points and places in the State of Montana.

Commissioner Brainard moved to approve the cancellation. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(457) In the matter of T-02.98.OTSC; On October 1, 2002 an Order to Show Cause was issued to Jerry Kimmert dba Red Carpet Limousine, Choteau, Montana, PSC No. 9430, for failure to comply with vehicle registration requirements. The Order to Show Cause was sent via certified mail and received by the carrier on October 4, 1002. There has been no response.

Class B – Passengers in limousine service between all points and places in Cascade, Flathead, Glacier, Lewis and Clark, Pondera, Teton and Toole Counties, Montana.
LIMITATION: All transportation movements must originate or terminate in Teton County, Montana.

Commissioner Rowe moved to approve the cancellation. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(458) In the matter of TN2161; Helena Unlimited, Inc. dba Last Chance Tours, Helena, Montana, requests permission to suspend PSC No.2516 for a six month period, October 14, 2002 to April 14, 2003.

Class A - Persons in the City of Helena, Montana.
Limitations: This certificate may not be sold, leased, transferred or assigned.

SUB A Class B- Passengers in charter service by means of open-air tour vehicles pulled by replica vintage locomotive-style vehicles or in open-air trolley-style vehicles, within the City of Helena, Montana, and a fifteen (15) mile radius thereof.

Commissioner Rowe moved to approve the suspension. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(459) In the matter of the approval of Commission Minutes; Commissioner Brainard moved to approve the Commission Minutes for the week of October 21, 2002. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, October 29, 2002, the following members were present:

Gary Feland, Chairman
Jay Stovall, Vice Chairman
Matt Brainard, Commissioner
Bob Rowe, Commissioner

Commissioner Anderson was absent and did not leave votes.

APPEARANCE
Martin Jacobson

(460) In the matter of the Commission's discussion of Whitehall Wind, LLC' s Application for QF Rates and Conditions, Docket No. D2002.8.100; Commissioner Rowe moved to preliminarily deny the motion to dismiss and require the parties to file arguments in accordance with existing schedules. Commissioner Stovall seconded the motion, which passed with a vote of 4 to 0.

APPEARANCE
Monica Tranel, Mike Lee

(461) In the matter of the Commission's discussion of Qwest Corporation' s Statement of Generally Available Terms, Docket No. D2000.6.80; Commissioner Stovall moved to allow benchmarking rates to take effect as of the date of the order. Commissioner Rowe seconded the motion, which passed with a vote of 4 to 0.

APPEARANCE
Kendal Ferguson, Monica Tranel

(462) In the matter of the Commission's discussion of Qwest Corporation and 3 Rivers PCS, CommNet Cellular, Ionex Communications North, Multiband Communications and Avista Communications, Docket Nos. D97.11.226, D97.4.64, D98.12.281, D99.10.240 and D2000.11.200; Commissioner Rowe moved to approve the 3 Rivers PCS amendment. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 0.

Commissioner Rowe moved to approve the CommNet amendment as filed. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 0.

Commissioner Rowe moved to approve the Ionex amendment as filed. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 0.

Commissioner Rowe moved to approve the Multiband amendments. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 0.

Commissioner Rowe moved to approve the Avista/180 amendment as filed. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 0.

APPEARANCE
Monica Tranel, Mike Lee

(463) In the matter of the Commission's discussion of Ronan Telephone Company and Blackfoot Telecommunications, Docket Nos. D2000.5.63 and D2000.1.14; Commissioner Rowe moved to conditionally approve the settlement agreement subject to action on the tariff, and subject to the terms of settlement applicable to third parties and the three conditions set forth in the staff memo. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 0.

APPEARANCE
Martin Jacobson

(464) In the matter of the Commission's discussion of Protective Order rule amendments, Docket No. L-02.6.3.-RUL; Commissioner Rowe moved to adopt the rules as amended and issue them. Commissioner Brainard seconded the motion, which passed with a vote of 4 to 0.

There being no further business to come before the Commission the meeting was adjourned.

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)