

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, April 29, 2003, the following members were present:

- Bob Rowe, Chairman, via telephone
- Thomas J. Schneider, Vice Chairman
- Matt Brainard, Commissioner
- Greg Jergeson, Commissioner
- Jay Stovall, Commissioner

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(169) In the matter of T-03.22.ST; On March 17, 2003 Central Cab & Transfer Co., Butte, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 602, to Tucker Transportation, Inc., Butte, Montana. The application was noticed to the public on April 4, 2003 and there were no protests.

Class C - Property as specified, props, drops and scenery for shows and trunks, baggage, beer, light housekeeping fixtures and light moving jobs, within the City of Butte, and not over a radius of five (5) miles from the City of Butte.

SUB A Class B - Persons, within the City of Butte, Montana, and between points tributary thereto, but within a distance not exceeding fifty (50) miles in any direction from said city. Limitations: Regular or scheduled service as a jitney or bus is prohibited on or over any route.

Commissioner Brainard moved to approve the transfer. Commissioner Stovall seconded the motion, which passed unanimously.

(170) In the matter of T-03.23.ST; On March 25, 2003 Judge Transfer & Storage, Inc., Great Falls, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 816, to Colorado International Transport, Inc. dba North Star Moving Services, Great Falls, Montana. The application was noticed to the public on April 4, 2003 and there were no protests.

Class B - Household goods (as defined by Commission) from Great Falls, Montana and points within a radius of fifty (50) miles in any direction from said city to all points and places in the State of Montana and from all points and places in the State of Montana to Great Falls, and points within a radius of fifty (50) miles in any direction from said city.

SUB A Class C - Property within the City of Great Falls, Montana, and to or from points tributary thereto, but not exceeding fifty (50) miles in the City of Great Falls, Montana. Limitations: The transportation of property between points served by rail carriers, or between points served by a motor carrier operating between fixed termini or over a regular route, is prohibited. Transportation of ashes, trash, waste, refuse, rubbish and garbage is prohibited.

Commissioner Jergeson moved to approve the transfer. Commissioner Brainard seconded the motion, which passed unanimously.

(171) In the matter of T-03.24.ST; On March 24, 2003 4 X 4 Stage, Inc., Belgrade, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 9105, to Karst Stage, Inc. dba 4 X 4 Stage, Bozeman, Montana. The application was noticed to the public on April 4, 2003 and there were no protests.

Sub B Class B - Passengers between all points and places in Gallatin, Park, Madison, Sweet Grass, Broadwater, Meagher, Beaverhead, Stillwater, Jefferson and Carbon Counties. Limitations:  
1. Transportation is limited to fifteen (15) passengers or less per vehicle. 2. Transportation of passengers between points and places within the city of Bozeman, Montana, and a five (5) mile radius thereof is prohibited. 3. Transportation of passengers between points and places within the city of Livingston, Montana, is prohibited. 4. Transportation of passengers between points and places within the City of Bozeman, on the one hand, and Gallatin Field at or near Belgrade, Montana, on the other hand, is prohibited. 5. Transportation of passengers between points and places within the City of Bozeman, on the one hand, and the Bridger Bowl Ski facility, on the other hand, is prohibited.

Commissioner Brainard moved to approve the transfer. Commissioner Rowe seconded the motion, which passed unanimously.

(172) In the matter of T-03.25.ST; On March 24, 2003 4 X 4 Stage, Inc., Belgrade, Montana filed an application for transfer of Montana Intrastate Certificate of Public Convenience and Necessity, PSC No. 2278, to All Valley Cab, Inc., Belgrade, Montana. In addition to the transfer, the transferee asked that a limitation be placed on the authority prohibiting transportation from Gallatin Field and Big Sky and vicinity. The application was noticed to the public on April 4, 2003 and there were no protests.

Class B - Persons between all points and place within Gallatin, Park and Madison Counties.  
LIMITATION: Transportation between Gallatin Field Airport and Big Sky, Montana, including a ten (10) mile radius of Big Sky, Montana is prohibited.

Commissioner Brainard moved to approve the transfer and authority limitations. Commissioner Stovall seconded the motion, which passed unanimously.

(173) In the matter of T-03.21.RB; On April 4, 2003 All Valley Cab, Inc., Belgrade, Montana filed a rate application requesting rate increases of up to 71% and rate decreases of up to 19% in its Passenger Tariff No. 2, covering operations under PSC No. 2278. This application as contained rate design changes from zones to metered mileage. The rate application was noticed to the public on April 4, 2003 and no protests were received. Rates are scheduled to become effective May 7, 2003.

Class B - Persons between all points and place within Gallatin, Park and Madison Counties.  
LIMITATION: Transportation between Gallatin Field Airport and Big Sky, Montana, including a ten (10) mile radius of Big Sky, Montana is prohibited.

Commissioner Brainard moved to approve the rate change. Commissioner Rowe seconded the motion, which passed unanimously.

(174) In the matter of T-03.26.PCN; On April 3, 2003 U.G., Inc. dba Capitol Taxi, Helena, Montana filed an application for temporary and permanent operating authority. The temporary authority was granted on April 8, 2003, under Order No. 6531. The applicant has requested that the temporary authority be cancelled and the request for permanent authority be withdrawn and the docket closed.

Class B – Persons, from Helena, Montana and a fifty (50) mile radius thereof, to dialysis treatment centers in Great Falls, Montana, and return.

Commissioner Stovall moved to cancel the temporary authority, grant withdrawal of the permanent application and close the docket. Commissioner Brainard seconded the motion, which passed unanimously.

(175) In the matter of TN2182; U.G., Inc. dba Capitol Taxi, Helena, Montana requests permission to split PSC No. 2111, Sub A, for leasing purposes. The authority retained by 2111 will read as follows:

SUB A Class B - Persons, baggage and express within the city limits of Helena, Montana and a fifty (50) mile radius thereof. LIMITATION: Transportation of passengers requiring wheelchair van service is prohibited.

The authority issued under PSC No. 9441 for leasing purposes will read as follows:

Class B - Persons, baggage and express within the city limits of Helena, Montana and a fifty (50) mile radius thereof. LIMITATION: Transportation is limited to passengers requiring wheelchair transportation in a wheelchair van.

Commissioner Rowe moved to split the authority. Commissioner Stovall seconded the motion, which passed unanimously.

(176) In the matter of TN 2183; U.G., Inc. dba Capitol Taxi, Helena, Montana requests permission to lease PSC No. 9441 to Shawn Jackson dba Eagle Emergency Services, East Helena, Montana for a one year period, April 29, 2003 to April 29, 2004.

Class B - Persons, baggage and express within the city limits of Helena, Montana and a fifty (50) mile radius thereof. LIMITATION: Transportation is limited to passengers requiring wheelchair transportation in a wheelchair van.

Commissioner Rowe moved to approve the split authority lease. Commissioner Brainard seconded the motion, which passed unanimously.

(177) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of April 21, 2003. Commissioner Jergeson seconded the motion, which passed unanimously.

## APPEARANCE

Kate Whitney

Utility Division

(178) In the matter of Qwest Corporation, Docket No. N.2003.4.48; On April 8, 2003, Qwest Corporation filed tariff transmittal 03-09, ISDN Single Line Promotion. Qwest is proposing that during the promotional period from May 12, 2003 through June 30, 2003, customers subscribing t ISDN Single Line Service month-to-month or under a one, two, three, or five-year rate stability agreement would receive a \$100.00 credit for all new lines. Customers will also receive Satisfaction Assurance within the first 60 days following installations. If service does not meet customers expectations, service may be terminated without contract Termination Liability charges. Customers would then only be billed for the time they had the service and for the installation charges. Contracts must be signed by June 30 and the requested install date may be no later than August 29, 2003. Qwest is requesting a May 12, 2003, effective date. Commissioner Rowe moved to approve the promotion. Commissioner Stovall seconded the motion, which passed unanimously.

(179) In the matter of Black Hills Power, Docket No. D2003.3.42; On March 28, 2003, BHP filed a Quarterly Fuel Rate Rider application. A Notice of Opportunity for Public Hearing was issued on March 31, 2003. Requests for hearing were due by April 28, 2003. No requests have been received. This application will decrease revenues by \$3,269 over the base cost of fuel approved in Docket No. 83.4.25. Commissioner Jergeson moved to approve the application and issue the default order. Commissioner Rowe seconded the motion, which passed unanimously.

(180) In the matter of Energy West Incorporated, Docket No. D2003.4.51; On April 16, 2003, EW filed an application seeking authority to issue 200,000 shares of Common Stock pursuant to the 2002 Energy West Stock Option Plan. Commissioner Rowe moved to approve the issuance of common stock. Commissioner Stovall seconded the motion, which passed with a vote of 4 to 1. Commissioners Jergeson, Rowe, Schneider and Stovall voted aye. Commissioner Brainard dissented.

(181) In the matter of NorthWestern Energy, Docket No. D2000.7.98; The Commission issued Order No. 6470, Order on Application to Approve Special Service Contracts, on December 20, 2002. Following extension of the deadline Barretts Minerals filed a Motion for Reconsideration of Order No. 6470 on February 7, 2003. On April 8, 2003 Barretts filed a notice withdrawing its Motion for Reconsideration. Both Barretts and Louisiana Pacific have reached a settlement of issues in this docket with NorthWestern Energy. Order No. 6470 is now final for purposes of appeal. Commissioner Stovall moved to close the docket. Commissioner Rowe seconded the motion, which passed unanimously.

## APPEARANCE

Monica Tranel, Mike Lee

(182) In the matter of the Commission's discussion of PSC Investigation of Qwest Corporation's Wholesale Prices for Network Elements, Docket No. D2002.7.87; Commissioner Rowe moved to set a hearing date of May 20, 2003 at 1:30 p.m.. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney

(183) In the matter of the Commission's discussion of HB 479, registration of service providers and billing aggregators; Commissioner Rowe moved to adopt the form proposed and incorporate the definition of service providers and billing aggregators into the form, send the letter with a link to HB479. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Martin Jacobson, Joel Tierney

(184) In the matter of the Commission's discussion of Town of Westby violation of pipeline safety requirements, Docket No. D2003.1.2; Commissioner Jergeson moved to dismiss the complaint and order to show cause. Commissioner Stovall seconded the motion, which passed unanimously.

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

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BOB ROWE, Chairman

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THOMAS J. SCHNEIDER, Vice Chairman

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MATT BRAINARD, Commissioner

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GREG JERGESON, Commissioner

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JAY STOVALL, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary

(SEAL)