

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on July 15, 2003, the following members were present:

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

Commissioner Rowe left the meeting at 11:28 a.m. to attend an out-of-town hearing and requested his votes be held open on any agenda items acted upon in his absence. Commissioner Schneider was absent from the meeting from 9:50 – 10:45 a.m. to attend an unavoidable appointment and requested his votes be held open on any agenda items acted upon in his absence.

APPEARANCE
 Will Rosquist
 Utility Division

(278) In the matter of D2003.6.70, Arizona Public Service: On June 6, 2003, Arizona Public Service filed an application for a license to offer and sell retail electricity supply services to commercial and industrial customers in NorthWestern Energy’s service territory. Commissioner Brainard moved to grant the application on a limited basis (i.e., to commercial and industrial customers). Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE
 Joel Tierney
 Utility Division

(279) In the matter of D2003.6.67, Front Range Pipeline: On June 2, 2003, Front Range Pipeline filed an application for authority to increase rates and charges on its crude oil pipeline based on FERC’s oil pipeline index. On June 12, 2003, the Commission issued a Notice of Application and Intervention Deadline with requests for intervention due on July 2, 2003. No requests for intervention have been received. Staff recommends approval. Commissioner Brainard moved to grant the application. Commissioner Schneider seconded the motion, which passed unanimously.

(280) In the matter of D2003.6.68, Cenex Pipeline: On June 2, 2003, Cenex Pipeline filed an application for authority to increase rates and charges on its refined products pipeline based on FERC’s oil pipeline index. On June 12, 2003, the Commission issued a Notice of Application and Intervention Deadline with requests for intervention due on July 2, 2003. No requests for intervention have been received. Staff recommends approval. Commissioner Stovall moved to approve the application. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
 Wayne Budt, Administrator
 Transportation & Centralized Services Division

(281) In the matter of TN2190, Thomas P. McGree: Thomas P. McGree, Butte, Montana requests

permission to continue the lease of PSC No. 2530 to Tucker Transportation, Inc., Butte, Montana for a twelve (12) month period, June 14, 2003 to June 14, 2004.

Class D - Garbage, scrap, salvage and refuse in the City of Butte, Montana, and to or from points immediately tributary thereto, but not exceeding a distance of ten (10) miles from said city. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Commissioner Brainard moved to approve continuance of the lease to Tucker Transportation. Commissioner Jergeson seconded the motion, which passed unanimously.

(282) In the matter of the approval of Commission Minutes; Commissioner Jergeson moved to approve the Commission Minutes for the week of July 7, 2003. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE
Eric Eck, Will Rosquist
Utility Division

(283) In the matter of the Commission's discussion of D2003.6.77, NorthWestern Energy – Interim Relief Electric Default Supply Tracker: Commissioner Brainard moved to adopt the draft order, but to include specifying that it is an interim measure. Commissioner Stovall seconded the motion, which passed unanimously, but with Commissioner Schneider’s Partial Dissent, a copy of which is attached to these minutes.

APPEARANCE
Martin Jacobson, Mike Morris
Utility Division

(284) In the matter of the Commission's discussion of D2002.10.132 – Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. – EAS petition: Commissioner Jergeson moved to waive the rule regarding contiguous exchanges as to the Great Falls/Fort Benton matter. Commissioner Brainard seconded the motion, which passed unanimously.

With regard to the Lewistown matter, Commissioner Brainard moved that the Commission determine the community of interest provision be approved with the qualification that it can be addressed in Phase II. Commissioner Jergeson seconded the motion, which passed unanimously.

With regard to the 21 exchanges in Havre, Commissioner Jergeson moved to adopt the recommendation of staff that community of interest has been met and that community of interest be approved in this matter, subject to Phase II proceedings. Commissioner Brainard seconded the motion, which passed unanimously.

With regard to the Martinsdale matter, Commissioner Schneider moved to adopt the recommendation of staff that (1) community of interest has not been demonstrated, and (2) request/direct/suggest that a local calling plan is better for Martinsdale and notify them that they can request a hearing on this if they want. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE
Martin Jacobson, Mike Morris
Utility Division

(285) In the matter of the Commission's discussion of D2002.11.145 – Northern Telephone Cooperative Association, Inc. – EAS Petition: Commissioner Jergeson moved to find that a community of interest does exist, that this matter proceed to Phase II, and that the Commission will also consider remaining community of interest issues, if any, in Phase II. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE
Robin McHugh
Legal Division

(286) In the matter of the Commission's discussion of D2003.2.25 – NWE/Clark Fork and Blackfoot – Requested findings to support EWG status for Milltown Dam: Commissioner Schneider moved to adopt the order(s) drafted by PSC staff with the changes described by staff at today’s meeting. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE
Monica Tranel, Scott Fabel
Utility Division

(287) In the matter of the Commission's discussion of N2003.6.80 – Qwest – Tariff, switched access; Commissioner Schneider moved to conditionally approve on an interim basis Qwest’s proposed tariff modifying intrastate jurisdictional reporting requirements for switched access tariffs, to go into effect July 21, 2003, subject to a new tariff or amendments pursuant to the negotiations between the intervenors and Qwest. Commissioner Brainard seconded the motion, which passed unanimously.

Commissioner Schneider moved to approve the withdrawal of the other intervening parties, subject to their ability to reintervene. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE
Robin McHugh
Legal Division

(288) In the matter of the Commission's discussion of D2003.7.87, In the Matter of the Petition of the People of the State of Montana, ex rel. Mike McGrath, Attorney General, Flathead Electric Cooperative Inc., and Roes 1 - 1000 for Rate Refunds, filed with the Montana PSC: Commissioner Jergeson moved that the Commission issue a notice of opportunity to comment in this matter. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE
Martin Jacobson
Legal Division

(289) In the matter of the Commission's discussion of D2002.11.140 and D2003.6.66 – NWE 2002/ 2003 Gas Tracker and 2003/2004 Gas Tracker: Commissioner Jergeson moved to defer consideration of these matters until next week’s meeting. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Martin Jacobson
Legal Division

(290) In the matter of the Commission's discussion of Docket Numbers n/a, D2003.6.76, and D2003.6.85 – PSC, Touch America, and NWE – implementation of House Bill 337 (house moving), review of costs filed to date: Commissioner Jergeson moved to proceed to publish and go to hearing on the proposed rules. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE
Martin Jacobson
Legal Division

(291) In the matter of the Commission's discussion of T-03.3.PCN – Mark Fournier – Application for Limousine Authority, Hamilton: Commissioner Brainard moved to approve the draft order granting the authority. Commissioner Jergeson seconded the motion, which passed unanimously.

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

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman
With Partial Dissent

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Barbara J. Effing
Acting Commission Secretary

(SEAL)