

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, May 12, 2009, the following members were present:

Greg Jergeson, Chair
Ken Toole, Vice Chair
Gail Gutsche, Commissioner, via telephone
Brad Molnar, Commissioner
John Vincent, Commissioner

APPEARANCE

Gary Duncan, Utility Division

(196) In the matter of N2005.1.4: On April 28, 2009, Qwest Corporation filed for Commission approval an amendment to the existing Multi-State Agreement between Qwest and Allstate Insurance Company.

Commissioner Toole moved to APPROVE the Multi-State Agreement amendment between Qwest Corporation and Allstate Insurance Company in Docket No. N2005.1.4. Commissioner Vincent seconded the motion, which passed unanimously.

(197) In the matter of N2009.4.57: On April 28, 2009, Qwest Corporation filed for Commission approval a Multi-State Agreement between Qwest and General Electric.

Commissioner Vincent moved to APPROVE the Multi-State Agreement between Qwest Corporation and General Electric in Docket No. N2009.4.57. Commissioner Gutsche seconded the motion, which passed unanimously.

(198) In the matter of District Court Case No. BDV 2003-465: PSC vs. Qwest. This was the Commission's effort to seek a writ of mandamus from District Court forcing Qwest to submit the minimum filing requirement information sought by the Commission.

Commissioner Vincent moved to ENTER a joint stipulation for voluntary dismissal in District Court Case No. BDV 2003-465. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(199) In the matter of the approval of Commission Minutes for the week of May 4, 2009:

Commissioner Toole moved to APPROVE the Commission Minutes for the week of May 4,

2009. Commissioner Vincent seconded the motion, which passed 4-0. Commissioner Molnar was absent.

APPEARANCE

Al Brogan, Legal Division

(200) In the matter of the Commission's discussion in Docket No. D2008.12.146: NorthWestern Energy's application for approval of avoided cost tariff for new Qualifying Facilities. (1. NorthWestern Energy's motion to stay; 2. Motion for reconsideration of Order 6973b, and 3. Motion for reconsideration of notice of additional issues.)

Commissioner Toole moved to DENY NorthWestern Energy's Motion to stay; DENY NorthWestern Energy's Motion for Reconsideration of Order 6973b, and DENY RNP's Motion for Reconsideration of Notice of Additional Issues in Docket No. D2008.12.146. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Will Rosquist, Utility Division

(201) In the matter of the Commission's discussion in Docket No. D2009.1.4: United Materials of Great Falls petition to set wind integration charge of a QF contract.

Commissioner Toole moved to ISSUE the order as drafted with necessary minor editing in Docket No. 2009.1.4. Commissioner Molnar seconded the motion, which passed 3-2. Commissioner Gutsche and Commissioner Vincent voted no.

APPEARANCE

Kate Whitney, Administrator,
Utility Division

Wayne Budt, Administrator
Transportation & Centralized Services Division
Staci Litschauer, Centralized Services Division
Sarah Carlson, Public Relations

(202) In the matter of the Commission's discussion of Legislative wrap up/agency budget discussion:

MOTION 1: Commissioner Toole moved to APPROVE the travel allocation for FY2010. Commissioner Gutsche seconded the motion, which passed unanimously.

MOTION 2: Commissioner Vincent moved to APPROVE the spending of FY 2007 funds to update the presentation capabilities of the Bollinger Room by adding a projector, screen and data ports. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Administrator, Legal Division

Al Brogan, Legal Division

(203) In the matter of the Commission's discussion in Docket No. D2002.8.100: Whitehall Wind, consider appealing denial of motion to stay order for remand issued on judicial review of PC Order No. 6444c, D2002.8.100.

MOTION 1: Commissioner Vincent moved to CLOSE the work session under the terms of the litigation exception. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 2: Commissioner Gutsche moved to ACCEPT staff recommendation to not appeal the district court's refusal to grant stay. Commissioner Toole seconded the motion, which passed unanimously.

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

GREG JERGESON, Chair

KEN TOOLE, Vice Chair

GAIL GUTSCHE, Commissioner

BRAD MOLNAR, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)