

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 18, 2009, the following members were present:

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

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(204) In the matter of the approval of Commission Minutes for the week of May 11, 2009.

Commissioner Vincent moved to approve the Commission Minutes for the week of May 11, 2009. Commissioner Toole seconded the motion, which passed 4-1. Commissioner Molnar was absent.

APPEARANCE

Kate Whitney, Administrator,
Utility Division
Eric Eck and Will Rosquist, Utility Division
Al Brogan, Legal Division

(205) In the matter of the Commission's discussion in Docket No. D2008.8.95: NorthWestern Energy application for approval to construct and operate Mill Creek generating station.

MOTION 1: Commissioner Vincent moved to ISSUE the draft final order as corrected with minor editing changes in Docket No. D2008.8.95. (withdrawn) Amended to include the development of an RFP for a consultant to monitor the project. (withdrawn) Commissioner Toole seconded the motion.

SUBSTITUTE MOTION: Commissioner Toole moved to direct staff to prepare an RFP to contract with a consultant to assist the Commission in analysis and prudency review in Docket No. D2008.8.95. (withdrawn)

MOTION 2: Commissioner Toole moved to instruct the staff to prepare an RFB to secure a contractor to assist the Commission in analysis and prudency review. Commissioner Gutsche seconded the motion, which passed unanimously.

MOTION 3: Commissioner Vincent moved to approve issuance of Order No. 6943a with the indicated corrections and amendments. Commissioner Toole seconded the motion, which passed

4-1. Commissioner Molnar voted no.

APPEARANCE

Jim Paine, Legal Division

(206) In the matter of the Commission's discussion in Docket No. D2009.5.60: Qwest motion for protective order.

Commissioner Toole moved to GRANT Qwest's Motion for Protective Order to protect cost/rate comparison information for a 5-year term in Docket No. D2009.5.60. Commissioner Vincent seconded the motion, which passed unanimously.

(207) In the matter of the Commission's discussion in Docket No. D2008.6.68: Commission complaint against Basic Access Communications.

Commissioner Vincent moved to GRANT Basic Access Communications request for a protective order to protect Montana customer names, addresses and telephone numbers in Docket No. D2008.6.68. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

Gary Duncan, Utility Division

(208) In the matter of the Commission's discussion in Docket No. D2008.1.3: Ronan/Hot Springs v. Qwest. Terminating switching charge issues.

Commissioner Toole moved to FIND that the originating carriers (not Qwest) are responsible for paying the terminating switched access charge for traffic at issue in Docket No. D2008.1.3. Commissioner Jergeson seconded the motion, which passed 3-2. Commissioner Gutsche and Commissioner Vincent voted no.

APPEARANCE

Justin Kraske, Legal Division

(209) In the matter of the Commission's discussion in Docket No. D2008.9.111: Commission Investigation of Alltel's compliance with ETC designation requirements.

MOTION 1: Commissioner Vincent moved to GRANT in part and DENY in part Alltel's request for a protective order in Docket No. D2008.9.111. Commissioner Gutsche seconded the motion, which passed unanimously.

MOTION 2: Commissioner Toole moved to SUSPEND the Procedural Order in this Docket until staff has identified a new hearing date in Docket No. D2008.9.111. Commissioner Vincent

seconded the motion, which passed unanimously.

APPEARANCE

Dave Burchett, Utility Division
Justin Kraske, Legal Division

(210) In the matter of the Commission's discussion in Docket No. D2008.8.97: Five Valleys Gas.

Commissioner Gutsche moved to APPROVE the draft interim order in Docket No. D2008.8.97. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Legal Division Administrator
Al Brogan, Legal Division

(211) In the matter of the Commission's discussion in Docket No. D2007.7.82: NorthWestern Energy. Discuss responses to staff participation in settlement discussions.

Commissioner Toole moved to DECLINE the offer from NorthWestern Energy to participate in settlement negotiations in Docket No. D2007.7.82. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division
Brian DeKiep, Utility Division

(212) In the matter of the Commission's discussion in Docket No. D2009.4.45: Commission initiation to consider LED rulemaking.

Commissioner Vincent moved to ISSUE the draft order with minor editing changes closing Docket No. D2009.4.45. Commissioner Jergeson seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator,
Utility Division

(213) In the matter of the Commission's discussion of out-of-state staff travel.

Commissioner Gutsche moved to APPROVE Steve Cameron's out-of-state travel to attend the Mid-America Regulatory Conference in Traverse City, Michigan on June 15-17, 2009. 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)