

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 6, 2009, the following members were present:

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

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(370) In the matter of T-09.36.RI: On August 26, 2009, Mining City Taxi LLC, Butte, Montana filed for increased rates and charges covering their passenger transportation under PSC No. 321.

Commissioner Vincent moved to APPROVE the rate increase as requested. Commissioner Toole seconded the motion, which passed unanimously.

(371) In the matter of T-09.37.PCN: On August 10, 2009, Eric Fruehstorfer d/b/a AAA Night Taxi, Lewistown, Montana filed an application for a certificate of public convenience and necessity.

Commissioner Jergeson moved to APPROVE the application as noticed and amended by the applicant. Commissioner Vincent seconded the motion, which passed unanimously.

(372) In the matter of TN2449: Flathead Area Custom Transportation, Inc., d/b/a Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana requests permission to suspend PSC No. 56 for a second, final six month period, September 24, 2009 to March 24, 2010.

Commissioner Toole moved to APPROVE the suspension as requested. Commissioner Gutsche seconded the motion, which passed unanimously.

(373) In the matter of TN2450: Flathead Area Custom Transportation, Inc. d/b/a Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana requests permission to suspend PSC No. 9364 for a second, final six month period, September 24, 2009 to March 24, 2010.

Commissioner Toole moved to APPROVE the suspension as requested. Commissioner Vincent seconded the motion, which passed unanimously.

(374) In the matter of the approval of Commission Minutes for the week of September 28, 2009.

Commissioner Toole moved to APPROVE the Commission Minutes for the week of September 28, 2009. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division  
Kate Whitney, Administrator,  
Utility Division

(375) In the matter of the Commission's discussion in Docket Nos. N2009.7.92 & D2007.6.70: Regional Oversight Committee analysis of Qwest Corp's performance assurance plans and Qwest's application for approval of a stipulation reached between Qwest and Eschelon Telecom, DIECA Communications, McLeod USA and US Link to modify the performance indicator definitions and performance assurance plan.

Commissioner Toole moved to APPROVE and issue the proposed order as drafted subject to minor edits in Docket Nos. N2009.7.92 and D2007.6.70. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division

(376) In the matter of the Commission's discussion in Docket No. D2009.9.129: NorthWestern Energy's application for authority to establish increased natural gas and electric delivery service rates and implement allocated cost of service and rate design proposals.

Commissioner Toole moved to GRANT NorthWestern Energy's motion for extension of time and motion for partial waiver of ARM 38.5.106 for thirty days in Docket No. D2009.9.129. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division  
Kim Moran, Utility Division

(377) In the matter of the Commission's discussion in Docket No. D2009.4.52: Virginia City sewer rates.

Commissioner Vincent moved to INSTRUCT staff to DRAFT an order finding the current rate structure in Virginia City is not unreasonable or unjustly discriminatory, but finds that there are issues of equity in the current rate design structure, and the Commission offers, as a recommendation, the rate structure template created by PSC staff for reevaluation by the city council of the rate structure and/or the rate structure design they pursue when the water meter data is received in Docket No. D2009.4.52. Commissioner Toole seconded the motion, which

passed unanimously.

APPEARANCE  
Justin Kraske, Legal Division

(378) In the matter of the Commission's discussion in Docket No. D2009.9.121 and D2007.9.108: MDU application for authority to implement a gas cost tracking adjustment.

Commissioner Gutsche moved to CONSOLIDATE Docket Nos. D2009.9.121 and D2007.9.108. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE  
Justin Kraske, Legal Division  
Joel Tierney, Utility Division

(379) In the matter of the Commission's discussion of Annual rulemaking to update pipeline safety administrative rules.

Commissioner Toole moved to APPROVE the filing the rulemaking notice with the Secretary of State as described by staff on pipeline safety administrative rules. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE  
Justin Kraske, Legal Division  
Kate Whitney, Administrator,  
Utility Division

(380) In the matter of the Commission's discussion of minimum filing requirement rules for preapproval applications for acquisition of gas facilities.

Commissioner Jergeson moved to DIRECT staff to initiate the rulemaking process preceded by an informal comment period. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE  
Justin Kraske, Legal Division  
Lori Sandru and Phil Cooke, Consumer Division

(381) In the matter of the Commission's discussion in Docket No. N2008.8.101: NorthWestern Energy-medical emergency rule application/payment arrangements.

Commissioner Toole moved to APPROVE NorthWestern Energy's request to proceed with disconnection of services, giving the customer a 21-day notice period requiring payment of the August and September 2009 payments (totaling \$900.00 ) within the first ten days from today. If that payment is not received, then 1/3 of the outstanding balance is required to be paid to avoid disconnection in Docket No. N2008.8.101. Commissioner Vincent seconded the motion, which

passed unanimously.

APPEARANCE  
Kate Whitney, Administrator,  
Utility Division

(382) In the matter of the Commission's discussion of Northwest Power & Conservation Council's draft sixth Northwest Power Plan.

Commissioner Toole moved to DIRECT staff to begin drafting comments generally supportive of the proposed Sixth Northwest Power Plan. Commissioner Gutsche seconded the motion, which passed unanimously.

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

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GREG JERGESON, Chair

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KEN TOOLE, Vice Chair

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GAIL GUTSCHE, Commissioner

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BRAD MOLNAR, Commissioner

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JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart  
Commission Secretary

(SEAL)