

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, March 16, 2010, the following members were present:

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

APPEARANCE

Eric Eck, Utilities Division

(73) In the matter of D97.11.219: On March 9, 2010, NorthWestern Energy filed its semi-annual true-up Advice Letter pursuant to Order No. 6035a.

Commissioner Toole moved to APPROVE NorthWestern Energy's requested rate changes for the semi-annual true-up of the Natural Gas Transition Bonds. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(74) In the matter of the approval of Commission Minutes for the week of March 8, 2010.

Commissioner Vincent moved to APPROVE the Commission Minutes for the week of March 8, 2010. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division

(75) In the matter of the Commission's discussion in Docket No. D2008.12.146: NorthWestern Energy application for approval of avoided cost tariff for new qualifying facilities.

Commissioner Toole moved to EXTEND the decision period for final decision for an additional 30 days in Docket No. D2008.12.146. Commissioner Molnar seconded the motion, which passed 4-1. Commissioner Vincent voted no.

(76) In the matter of the Commission's discussion in Docket No. D2009.9.129 and D2007.7.82: NorthWestern Energy application for authority to establish increased natural gas and electric delivery service rates and implement allocated cost of service and rate design proposals. NorthWestern Energy's request for waiver to allow late-filed motion for protective order, motion OF protective order covering information contained in FIN 48 Implementation Binder.

Commissioner Toole moved to DENY NorthWestern Energy's motion for protective order covering information contained in FIN 48 Implementation Binder in Docket Nos. D2009.9.129 and D2007.7.78. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division  
Leroy Beeby, Utility Division

(77) In the matter of the Commission's discussion in Docket No. D2005.11.163: Utility Solutions general rate case. Interim rate request.

Commissioner Molnar moved to DENY Utility Solution's interim rate request in Docket No. D2005.11.163. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Jergeson voted no.

(78) In the matter of the Commission's discussion in D2009.1.9 was moved to (82).

APPEARANCE

Justin Kraske, Legal Division  
Joel Tierney, Utility Division

(79) In the matter of the Commission's discussion in Docket No. D2006.7.108: KWB Pipeline Corporation's application to establish permanent rates for transportation of natural gas.

Commissioner Vincent moved to APPROVE the final order with two amendments recommended by staff subject to minor editing changes in Docket No. D2006.7.108. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division  
Phil Cooke, Utility Division

(80) In the matter of the Commission's discussion of medical exception rule.

Commissioner Toole moved to DIRECT staff to contact NorthWestern Energy notifying them to contact impacted medical customers, with a balance below the threshold amount, by letter including a copy of the rule and specifying the language indicated by staff within ten days from the date of the request. Commissioner Molnar seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator  
Utility Division  
Wayne Budt, Administrator  
Transportation & Centralized Services Division  
Staci Litschauer, Centralized Services

(81) In the matter of the Commission's discussion of EPP process and proposed legislation for the 2011 legislative session.

MOTION 1: Commissioner Toole moved to INSTRUCT staff to include retirement payouts, lease increment, and computer replacement costs in the next biennium budget. Commissioner Gutsche seconded the motion, which passed unanimously.

MOTION 2: Commissioner Vincent moved to INCLUDE no vacancy savings in the EPP request. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 3: Commissioner Toole moved to APPROVE staff to recommend moving all staff to broadband market base for salary in the EPP request. Commissioner Vincent seconded the motion, which passed unanimously.

MOTION 4: Commissioner Toole moved to NOT REQUEST new staff in the EPP request. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division  
Leroy Beeby, Utility Division

(82) In the matter of the Commission's discussion in Docket No. D2009.1.9: Aqua Flo, LLC, general rate case, proposed stipulation for interim rates.

MOTION 1: Commissioner Vincent moved to DENY Aqua Flo, LLC's motion to adopt interim rates and proceed to a public hearing in Docket No. D2009.1.9 (Withdraw).

MOTION 2: Commissioner Vincent moved to SCHEDULE a hearing on the stipulated agreement in Docket No. D2009.1.9. Commissioner Gutsche seconded the motion, which passed 4-0. Commissioner Toole was recused.

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)