

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, April 13, 2010, the following members were present:

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

APPEARANCE
Scott Fabel, Utility Division

(115) In the matter of N2010.3.36: On March 26, 2010, CenturyLink filed Advice No. 10-04.

Commissioner Toole moved to APPROVE CenturyLink's Advice No. 10-04 in Docket No. N2010.3.36. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE
Joel Tierney, Utility Division

(116) In the matter of N2010.1.1: On March 29, 2010, the Commission received an application from Montana Dakota Utilities for approval of its tariff Rate 53 reflecting updates to costs associated with moving electric facilities to accommodate structure moves.

Commissioner Vincent moved to APPROVE Montana Dakota Utilities' tariff Rate 53. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE
Wayne Budt, Administrator
Transportation & Centralized Services Division

(117) In the matter of the approval of Commission Minutes for the week of April 5, 2010.

Commissioner Toole moved to approve the Commission Minutes for the week of April 5, 2010. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE
Leroy Beeby, Utility Division
Justin Kraske, Legal Division

(118) In the matter of the Commission's discussion in Docket No. D2006.10.146: Salish Shores Utility Company, general rate case.

Commissioner Gutsche moved to ACCEPT staff's final order to include additional language suggested by staff and a date certain of July 1, 2013 to file the next general rate case using a test year of 2012 and address paragraphs 18 and 19 subject to minor text changes in Docket No. D2006.10.146. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Jim Paine, Legal Division

(119) In the matter of the Commission's discussion in Docket No. D2009.6.79: Boeing Company/Montana Aviation Research Company declaratory ruling request.

Commissioner Jergeson moved to ISSUE the declaratory ruling as drafted in Docket No. D2009.6.79. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Utility Division
Al Brogan, Legal Division

(120) In the matter of the Commission's discussion in Docket No. L-10.2.1 RUL: Discuss adoption of distributed generation electrical interconnection rules.

Commissioner Jergeson moved to INSTRUCT staff to return in a work session with a decision tree to adopt the existing proposed rules with any modification and element of a new rule making in L-10.2.1 RUL. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division

(121) In the matter of the Commission's discussion in Docket No. D2009.9.129 and D2007.2.82: 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 proposal, request for protective order covering portions of its FIN 48 Binder.

Commissioner Toole moved to GRANT NorthWestern Energy's motion for protective order covering versions of its FIN 48 Binder as requested in Docket Nos. D2009.9.129 and D2007.2.82. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator
Utility Division
Sarah Carlson, Public Information Specialist

(122) In the matter of the Commission's discussion of ARRA training recommendations for ARRA new staff.

Commissioner Gutsche moved to APPROVE out of state travel for: Illinois Seminars “Transmission Business School” for Kevin Furey, Bob Decker and Jason Brown; Camp NARUC for Kevin Furey and Bob Decker; and “The Basics” Course at New Mexico State for Jason Brown. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Molnar voted no.

APPEARANCE

Kate Whitney, Administrator
Utility Division

(123) In the matter of the Commission's discussion of out of state travel:

Commissioner Gutsche moved to APPROVE Gary Duncan’s travel requests related to his role as an instructor at the Basics courses put on by New Mexico State University and NARUC on May 9-14, 2010 and October 24-29, 2010 in Albuquerque, New Mexico. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division
Staci Litschauer, Centralized Services Division

(124) In the matter of the Commission's discussion of Executive Planning Process 2011 Legislative (EPP) package, FY 2008 carry forward funds:

MOTION 1: Commissioner Vincent moved to ADD “3 Pipeline Increase” and “7 One Call” to the EPP submission. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 2: Commissioner Toole moved to MOVE “4 Retirement Payouts” to priority two; and “2 100% of Market” to priority four on the EPP staff assigned priority list. Commissioner Gutsche seconded the motion, which passed unanimously.

MOTION 3: Commissioner Jergeson moved to USE FY 2008 carry forward funds for a software update. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Will Rosquist and Mike Lee, Utility Division
Al Brogan, Legal Division

(125) In the matter of the Commission's discussion in Docket No. D2008.12.146: NorthWestern Energy's application to update qualifying facility rates, staff recommendations for final order.

MOTION 1: Commissioner Toole moved to ACCEPT Option 1 as written. Commissioner Jergeson seconded the motion, which passed 4-1. Commissioner Molnar voted no.

MOTION 2: Commissioner Jergeson moved to AMEND Option 2 to make the retention of the RECs subject to the use of the floor price. Commissioner Molnar seconded the motion, which failed 2-3. Commissioner Toole, Commissioner Vincent and Commissioner Gutsche voted no.

MOTION 3: Commissioner Toole moved to ADOPT the staff recommendation on Option 2. Commissioner Gutsche seconded the motion, which passed 3-2. Commissioner Jergeson and Commissioner Molnar voted no.

MOTION 4: Commissioner Toole moved to ACCEPT Option 3 as written. Commissioner Jergeson seconded the motion, which passed 4-1. Commissioner Molnar voted no.

MOTION 5: Commissioner Toole moved to AMEND Issue 4a to eliminate cap on non wind QFs. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Molnar voted no.

ALTERNATE MOTION 6: Commissioner Molnar moved that within the 15 MW cap that NorthWestern can choose based on attributes that are needed for the portfolio. Motion failed for a lack of a second.

MOTION 7: Commissioner Toole moved to ADOPT Issue 4b as written including the paragraph b encompassing Option 1b. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Molnar voted no.

MOTION 8: Commissioner Gutsche moved to ACCEPT 4d as written. Commissioner Toole seconded the motion, which passed unanimously

MOTION 9: Commissioner Toole moved to INSTRUCT staff to issue a final order based on the decisions of the Commission following circulation for review by the Commission. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Molnar voted no.

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

GREG JERGSON, Chair

KEN TOOLE, Vice Chair

GAIL GUTSCHE, Commissioner

BRAD MOLNAR, Commissioner

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, April 15, 2010, the following members were present:

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

Commissioner Toole was absent, but left his proxy with Commissioner Jergeson.

(126) In the matter of D2010.2.18: Kenfield Wind Park I, LLC and KWP-LC7, LLC, petition to set terms and conditions for qualifying small power production facility pursuant to § 69-3-603, MCA. NorthWestern Energy's objections to data requests and motion to amend testimony.

MOTION 1: Commissioner Gutsche moved to OVERRULE NorthWestern Energy's objections to data requests PSC 027-093 in Docket No. D2010.2.18. Commissioner Vincent seconded the motion, which passed 4-1. Commissioner Molnar voted no.

MOTION 2: Commissioner Gutsche moved to OVERRULE NorthWestern Energy's objections to KWP 29p. Commissioner Molnar seconded the motion, which passed unanimously.

MOTION 3: Jergeson moved to SUSTAIN NorthWestern Energy's motion to the limited extent that those instructions impose any additional obligations on NorthWestern Energy. Commissioner Molnar seconded the motions, which passed 4-1. Commissioner Gutsche voted no.

MOTION 4: Gutsche moved to DENY NorthWestern Energy's request to withdraw testimony of Mark Stouffer and partial testimony of John Hines in Docket No. D2010.2.18. Commissioner Vincent 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)