

Minutes for the week of September 20, 2010

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, September 21, 2010, the following members were present:

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

APPEARANCE
 Public Comment

Comments made by Jessie Rumble, of Classic Limo, Bozeman, MT and the Montana Chauffer Transportation Association to the Commission regarding TN2477.

Comments made by Kurt Hennifer, Valley Limousine, Missoula, MT to the Commission regarding TN2477.

Comments made by Markus Kjachmayer, Lighting Ram, Inc. d/b/a Shuttle to Big Sky Taxi, Kalispell, MT to the Commission regarding TN2477.

APPEARANCE
 Kate Whitney, Administrator
 Regulatory Division

(288) In the matter of the approval of Commission Minutes for the week of September 13, 2010:

Commissioner Gutsche moved to APPROVE the Commission Minutes for the week of September 13, 2010. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE
 Scott Fabel, Regulatory Division

(289) In the matter of N2010.9.91: On August 31, 2010, Citizens filed advice letter No. MT-10-04.

Commissioner Vincent moved to APPROVE Citizens' advice letter No. MT-10-04 in Docket N2010.9.91. Commissioner Gutsche seconded the motion which passed unanimously.

APPEARANCE
 Eric Eck, Regulatory Division

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

Minutes for the week of September 20, 2010

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

APPEARANCE

Eric Dahlgren, Regulatory Division

(291) In the matter of the Commission's discussion in Docket No. TN2477: Lighting Ram, Inc. d/b/a Shuttle to Big Sky and Taxi request for the split of PSC No. 8995.

MOTION 1: Commissioner Molnar moved to SUSPEND any decision on the work session item in TN2477 until the rules are written. This motion died for lack of a second.

MOTION 2: Commissioner Vincent moved to DENY the request of split authority of PSC No. 8995 in TN2477. Commissioner Toole seconded the motion, which passed 4 to 1. Commissioner Jergeson voted no.

APPEARANCE

Gary Duncan, Regulatory Division

Jim Paine, Legal Division

(292) In the matter of the Commission's discussion of Docket D2010.6.67: Qwest LD Corporation and Qwest Communications Company, LLC, waiver of tariff filing requirements.

Commissioner Vincent moved to APPROVE the Qwest LD Corporation and Qwest Communications Company petition for waiver of tariff filing requirements in Docket No. D2010.6.67. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(293) In the matter of the Commission's discussion of N2010.8.83: Annual certification of Montana Eligible Telecommunication Carriers.

Commissioner Vincent moved to DIRECT staff to file ETC certification letters with the FCC and USAC, and to include a second letter from the Chairman to the FCC to request action on Triangle Communication's ETC filing. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Justin Kraske, Legal Division

(294) In the matter of the Commission's discussion of D2010.4.41 and D2010.6.59: Mountain Water application to implement increased rates for water service and to establish a distribution system improvement charge.

Minutes for the week of September 20, 2010

MOTION 1: Commissioner Gutsche moved to GRANT Mountain Water's notice of withdrawal of its application to establish a distribution system improvement charge. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 2: Commissioner Gutsche moved to AMEND the procedural order and reset the hearing date to December 15, 2010. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Jason Brown, Legal Division

(295) In the matter of N2010.1.4: ConocoPhillips renewable portfolio standards (RPS) compliance filings for Compliance Year 2009.

Motion 1: Commissioner Gutsche moved to NOT GRANT ConocoPhillips' petition for a waiver from full compliance with the Montana Renewable Portfolio Standards on the grounds that ConocoPhillips' did not take all reasonable steps. Commissioner Toole seconded the motion, which passed 4 to 1. Commissioner Molnar voted no.

Motion 2: Commissioner Toole moved to APPROVE staff recommendations that finds sales of electricity from ConocoPhillips' to its refinery were not retail sales and sales to the ConocoPhillips Pipeline Company were retail sales in order to calculate compliance with statute and the administrative penalty that may be assessed. Commissioner Gutsche seconded the motion, which passed 4 to 1. Commissioner Molnar voted no.

APPEARANCE

Brian DeKiep, Regulatory Division

Jim Paine, Legal Division

(296) In the matter of the FERC NOPR on transmission planning and cost allocation: comments on notice of proposed rulemaking.

Motion 1: Commissioner Jergeson moved that Montana JOIN the OMS comments and that Montana offer an amendment, and consider those amendments of other states. Commissioner Toole seconded the motion, which passed unanimously.

Motion 2: Commissioner Toole moved to ADOPT and JOIN the comments of CREPC to FERC. Commissioner Vincent seconded the motion that passed unanimously.

Motion 3: Commissioner Toole moved to APPROVE and JOIN the comments of NTTG to FERC. Commissioner Gutsche seconded the motion, which passed unanimously.

Minutes for the week of September 20, 2010

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:

Judy Scheier
Assistant Commission Secretary

(SEAL)