

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 26, 2010, the following members were present:

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

APPEARANCE

Kate Whitney, Administrator
Regulatory Division

(317) In the matter of the approval of Commission Minutes for the week of October 11, 2010.

Commissioner Toole moved to APPROVE the Commission Minutes for the week of October 11, 2010. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Eric Eck, Regulatory Division

(318) In the matter of D2010.9.97: On September 21, 2010, Black Hills Power, Inc. filed a Quarterly Fuel Rate Rider application.

Commissioner Molnar moved to GRANT Black Hills Power, Inc., Quarterly Fuel Rate Rider Application. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Regulatory Division

(319) In the matter of T-10.7.PCN: Capt N Trips, LLC, Missoula Montana, submitted an application for a certificate of public convenience and necessity in April 2010.

Commissioner Gutsche moved to Close the docket as requested. Commissioner Toole seconded the motion, which passed unanimously.

APPEARANCE

Leroy Beeby, Regulatory Division
Justin Kraske, Legal Division

(320) In the matter of the Commission's discussion in Docket No. D2010.7.78: Havre Pipeline's application for rate decrease. Act on final order.

Commissioner Jergeson moved to APPROVE the final order in Docket No. D2010.7.78, subject to non-substantive corrections. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan, Regulatory Division
Justin Kraske, Legal Division

(321) In the matter of the Commission's discussion in Docket No. D2003.1.4: WWC Holding Company, relinquishment of ETC designation.

Commissioner Toole moved to issue an order to APPROVE the relinquishment of WWC Holding Company's designation as a Montana ETC in Docket No. D2003.1.4. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Administrator,
Legal Division

(322) In the matter of the Commission's discussion in Docket No. T-10.33.com: Carrie Pintar d/b/a Amazing Taxi. Complaint against Jessie Rumble, individually, Jessie Rumble as Managing Director/CEO of Rumble, Inc., Rumble, Inc., d/b/a Classic Limo and the Public Service Commission.

Commissioner Jergeson moved to DISMISS the complaint against Jessie Rumble individually, to ISSUE the notice of the complaint to Jessie Rumble as Managing Director/CEO of Rumble, Inc., and to Rumble, Inc., d/b/a Classic Limo, and to DISMISS the complaint against the Public Service Commission because a party cannot file a complaint against a governing body with the governing body. Commissioner Gutsche seconded the motion, which passed 4-1. Commissioner Molnar voted no.

(323) In the matter of the Commission's discussion in Docket No. D2010.7.77: NorthWestern Energy's application for approval of avoided cost tariff for new qualifying facilities.

Commissioner Toole moved to OVERRULE MSIRG'S objections to MSIRG's data requests 4,5,6,8a-c and DENY MSIRG's motion to compel as to MSIRG's data requests 4,5,6, and 8a-c; to SUSTAIN MSIRG's objection to data request 8 d-e and to GRANT the motion to compel for data request 8 d-e in a format available to NorthWestern Energy. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Regulatory Division
Justin Kraske, Legal Division

(324) In the matter of the Commission's discussion of Motor carrier citation adjudication

policy.

Commissioner Toole moved to adopt the Motor Carrier Adjudication Policy as recommended by staff with a change in second bullet, first paragraph “has been issued a citation, or” inserted. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator,
Regulatory Division

Robin McHugh, Executive Director

Wayne Budt, Administrator,
Centralized Services Division

Staci Litschauer, Centralized Services Division

(325) In the matter of the Commission's discussion of Personnel/Budget. Act on Wayne's FTE as an assistant to Staci, Discuss requesting an additional FTE pipeline safety, other personnel or budget matters.

MOTION 1: Commissioner Jergeson moved to ADOPT recommended items 1-5 on staff memo. Commissioner Toole seconded the motion, which passed 4-1. Commissioner Molnar voted no.

MOTION 2: Commissioner Vincent moved to request that the legislature approve an additional FTE for pipeline safety. Commissioner Toole seconded the motion, which passed unanimously.

MOTION 3: Commissioner Jergeson moved to proceed with the seven employee reclassification process as recommended by Department of Administration, including Wayne Budt's FTE position, and secure the services of a private contractor. Commissioner Vincent seconded the motion, which passed unanimously.

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)