

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, January 31, 2011, the following members were present:

Bill Gallagher, Chairman  
Brad Molnar, Vice Chairman  
Gail Gutsche, Commissioner  
Travis Kavulla, Commissioner  
John Vincent, Commissioner, via telephone

APPEARANCE

Kate Whitney, Administrator, Regulatory Division  
Al Brogan, Administrator, Legal Division

The commission postponed consideration on SB 225 until Tuesday at the regularly scheduled work session.

(80) In the matter of Senate Bill 226 for the 2011 Legislative Session.

MOTION 1: Commissioner Vincent moved to SUPPORT SB 226. Commissioner Molnar seconded the motion. Commissioner Vincent withdrew his motion.

MOTION 2: Commissioner Vincent moved to OPPOSE SB 226. Commissioner Gutsche seconded the motion, which Failed 3-2. Commissioners Gallagher, Molnar and Kavulla voted Nay.

MOTION 3: Commissioner Molnar moved to SUPPORT SB 226 with an amendment on Section 4 clarifying that an agreement is not only a contract, but a tariff in SB 226. Testimony: Commissioner Molnar. Commissioner Gallagher seconded the motion, which passed 3-2. Commissioner Gutsche and Vincent voted NAY.

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

---

W.A. GALLAGHER, Chairman

---

BRAD MOLNAR, Vice Chairman

---

GAIL GUTSCHE, Commissioner

---

TRAVIS KAVULLA, 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 Tuesday February 1, 2011, the following members were present:

Bill Gallagher, Chairman  
Brad Molnar, Vice Chairman  
Gail Gutsche, Commissioner  
Travis Kavulla, Commissioner  
John Vincent, Commissioner

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(81) In the matter of the approval of Commission Minutes for the week of January 17, 2011.

Commissioner Vincent moved to APPROVE the Commission Minutes for the week of January 17, 2011. Commissioner Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Scott Fabel, Regulatory Division

(82) In the matter of N2011.1.3: On January 19, 2011, Project Telephone Co. requested to change in text only tariff sheets signifying Trunk Hunting may be added into a bundle in place of a Tele\*Star Service.

Commissioner Molnar moved to APPROVE Project Telephone's request in Docket N2011.1.3. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Eric Dahlgren, Regulatory Division

(83) In the matter of TN2492: On January 24, 2011, Flathead Area Custom Transportation, Inc., d/b/a Kalispell Taxi and Airport Shuttle Service, Kalispell, Montana, requested permission to suspend PSC No. 9364 for a six month period, January 12, 2011 to July 12, 2011.

Commissioner Gutsche moved to APPROVE the final six month suspension as requested. Commissioner Gallagher seconded the motion, which passed unanimously.

(84) In the matter of TN2493: Big Sky Transfer & Storage, Inc., Great Falls, Montana, on January 26, 2011, requested to continue lease of PSC No. 2406 to Mergenthaler Transfer & Storage, Inc., Helena, Montana.

Commissioner Kavulla moved to APPROVE the lease renewal as requested. Commissioner Vincent seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(85) In the matter of PSC Organization: Staff proposes to move the agency's pipeline safety functions and responsibilities out of the Engineering, Transportation, and Pipeline Safety Bureau and into its own unit to be managed by Joel Tierney who will report to and be supervised by the Regulatory Division Administrator.

Commissioner Vincent moved to APPROVE the move to transfer the agency's pipeline safety functions and responsibilities out of the Engineering, Transportation, and Pipeline Safety Bureau and into its own unit to be managed by Joel Tierney who will report to and be supervised by the Regulatory Division Administrator. Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Gary Duncan and Mike Dalton, Regulatory Division

(86) In the matter of the Commission's discussion in Docket No. D2010.9.96, D2010.11.108 and D2010.12.115: Qwest Corporation, Liberty-Bell Telecom, LLC Broadview Networks, Inc., Blackfoot Telephone Cooperative, Level 3 Communications Interconnection agreements.

Commissioner Gutsche moved to APPROVE the Qwest Corporation and Liberty-Bell Telecom, LLC interconnection agreement in Docket No. D2010.9.96; the Qwest Corporation and Broadview Networks, Inc., interconnection agreement in Docket No. D2010.11.108, and Blackfoot Telephone Cooperative, Inc., and Level 3 Communications interconnection agreement in Docket No. D2010.12.115. Commissioner Kavulla seconded the motion, which passed unanimously.

APPEARANCE

Sarah Norcott, Legal Division  
Leroy Beeby, Regulatory Division

(87) In the matter of the Commission's discussion in Docket No. D2010.12.116: NorthWestern Energy application for approval of automatic rate adjustment and tracking for taxes and fees.

Commissioner Vincent moved to APPROVE the automatic rate adjustment and tracking for taxes and fees in Docket No. D2010.12.116. Commissioner Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Administrator, Legal Division

(88) 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.

NorthWestern Energy's Motion for Protective Order.

Commissioner Vincent moved to DENY in part NorthWestern Energy's motion for protective order and GRANT in part as per staff recommendation in Docket No. D2010.7.77.

Commissioner Gutsche seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

Al Brogan, Administrator, Legal Division

(89) In the matter of the Commission's discussion of possible Public Service Commission investigation. Consider initiating a proceeding pursuant to § 69-3-324, MCA, to investigate the rates, tolls, charges, rules, practices and services of NorthWestern Energy subsequent to PSC Order 7046h.

Commissioner Molnar moved to start a PSC Investigation under §69-3-324, MCA, and to open a new docket to investigate PSC order No. 7046h in Docket No. D2009.9.129. Died due to a lack of second.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

Al Brogan, Administrator, Legal Division

Eric Dahlgren and Gary Duncan, Regulatory Division

Jim Paine, Legal Division

(90) In the matter of Senate Bill 225 for the 2011 Legislative Session.

Commissioner Gallagher moved to MONITOR SB 225. Commissioner Molnar seconded the motion, which passed 3-2. Commissioners Gutsche and Vincent voted Nay.

(91) In the matter of Senate Bill 234 for the 2011 Legislative Session.

Commissioner Gallagher moved to MONITOR and to appear as an informational witness in SB 234. Commissioner Kavulla seconded the motion, which passed unanimously.

(92) In the matter of Senate Bill 246 for the 2011 Legislative Session.

Commissioner Kavulla moved to MONITOR SB 246. Commissioner Gutsche seconded the motion, which passed unanimously.

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

---

W.A. GALLAGHER, Chairman

---

BRAD MOLNAR, Vice Chairman

---

GAIL GUTSCHE, Commissioner

---

TRAVIS KAVULLA, 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 Wednesday, February 2, 2011, the following members were present:

Bill Gallagher, Chairman  
Brad Molnar, Vice Chairman  
Gail Gutsche, Commissioner  
Travis Kavulla, Commissioner  
John Vincent, Commissioner, via telephone

APPEARANCE

Gary Duncan and Mike Dalton, Regulatory Division

(93) In the matter of Senate Bill 245 for the 2011 Legislative Session.

Commissioner Kavulla moved to MONITOR SB 245. Commissioner Gutsche seconded the motion, which passed unanimously.

Kate Whitney updated the following PSC bills:

HB 60 Passed House  
HB 62 Passed House  
HB 78 Passed House  
HB 92 Passed House  
HB 104 Awaiting Executive Action  
HB 233 Passed House  
SB 62 Passed Senate  
SB 139 Tabled in Committee  
SB 140 Passed Senate  
SB 192 Heard in Committee yesterday  
SB 226 Amendments due tomorrow morning

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

---

W.A. GALLAGHER, Chairman

---

BRAD MOLNAR, Vice Chairman

---

GAIL GUTSCHE, Commissioner

---

TRAVIS KAVULLA, 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, February 3, 2011, the following members were present:

Bill Gallagher, Chairman  
Brad Molnar, Vice Chairman  
Gail Gutsche, Commissioner  
John Vincent, Commissioner, via telephone

Commissioner Kavulla was absent.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division  
Al Brogan, Administrator, Legal Division  
Will Rosquist, Regulatory Division

(94) In the matter of the Commission's discussion in Docket No. D2009.9.129, D2007.7.82: Consolidate three petitions for judicial review into one case.

MOTION 1: Commissioner Molnar moved to CONSOLIDATE District Court case numbers DDV 2001-79, DDV 2011-86 and DDV 2011-89, and request the court to remand the consolidated cases in their entirety. Commissioner Gallagher seconded the motion, which failed 2-2. Commissioner Gutsche and Vincent voted Nay. Commissioner Kavulla was absent.

MOTION 2: Commissioner Gallagher moved to (1) instruct legal staff to request consolidation of the three judicial review petitions, (2) request a stay of implementation of the inverted block rates, (3) request a stay to provide the administrative record, (4) authorize legal staff to enter into negotiations with the parties to determine a non judicial solution, (5) postpone decision to address the appeal itself whether to remand, partially remand, or defend the order for a later time. Commissioner Molnar seconded the motion, which failed 2-2. Commissioners Gutsche and Vincent voted Nay. Commissioner Kavulla was absent.

AMENDED MOTION 2: Commissioner Gallagher moved to (1) instruct legal staff to request consolidation of the three judicial review petitions, (2) request a stay of implementation of the inverted block rates, (3) request a stay to provide the administrative record, and (4) authorize staff to enter into negotiations with the parties to determine a non judicial solution. Commissioner Molnar seconded the motion, which failed 2-2. Commissioner Gutsche and Vincent voted Nay. Commissioner Kavulla was absent.

MOTION 3: Commissioner Gallagher moved to authorize staff to move forward with their normal process with request for consolidation and to request a delay in providing the administrative record, but not including a full blown defense of the order. Commissioner Molnar seconded the motion, which passed 4-0. Commissioner Kavulla was absent.

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

---

W.A. GALLAGHER, Chairman

---

BRAD MOLNAR, Vice Chairman

---

GAIL GUTSCHE, Commissioner

---

TRAVIS KAVULLA, 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 Friday, February 4, 2011, the following members were present:

Bill Gallagher, Chairman  
Brad Molnar, Vice Chairman  
Gail Gutsche, Commissioner, via telephone  
Travis Kavulla, Commissioner  
John Vincent, Commissioner, via telephone

APPEARANCE

Kate Whitney, Administrator, Regulatory Division  
Al Brogan, Administrator, Legal Division  
Jim Paine, Legal Division

(95) In the matter of Senate Bill 240 for the 2011 Legislative Session.

Commissioner Gutsche moved to MONITOR SB 240. Commissioner Molnar seconded the motion, which passed 4-1. Commissioner Gallagher voted Nay.

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

---

W.A. GALLAGHER, Chairman

---

BRAD MOLNAR, Vice Chairman

---

GAIL GUTSCHE, Commissioner

---

TRAVIS KAVULLA, Commissioner

---

JOHN VINCENT, Commissioner

ATTEST:

Verna Stewart  
Commission Secretary

(SEAL)