

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on May 7, 2013, the following members were present:

Bill Gallagher, Chairman
Bob Lake, Vice Chairman
Kirk Bushman, Commissioner
Travis Kavulla, Commissioner
Roger Koopman, Commissioner

APPEARANCE

Judy Scheier, Assistant Commission Secretary

(146) In the matter of the approval of Commission Minutes for the week of April 8, 2013.

Commissioner Lake moved to APPROVE the Commission Minutes for the week of April 8, 2013. Commissioner Koopman seconded the motion, which passed unanimously.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(147) In the matter of out-of-state staff travel

Commissioner Kavulla moved to APPROVE Joel Tierney's travel to Austin, TX, August 7, 2013 to attend the Hazardous Materials Refresher, and to Oklahoma City, OK, November 13-15, 2013 to attend the Integrated Inspections Course; John Torske and Elizabeth Kamback's travel to Oklahoma, OK, July 22-26, 2013 to attend the Root Cause Investigation conference, Tulsa, OK, August 19-23, 2013 to attend the Pipeline Pigging Course, and Oklahoma City, OK, October 16-18, 2013, to attend the OQ Programs Course; and Elizabeth Kamback's travel Oklahoma City, OK, September 17-19, 2013, to attend the Gas Pressure Regulation Course, and Oklahoma City, OK, August 12-16, 2013 to attend the Welding Course; and John Torske's travel to Oklahoma City, OK September 16-20, 2013, to attend the Pipeline Compliance Procedures Course. Commissioner Lake seconded the motion, which passed unanimously.

APPEARANCE

Scott Fable, Regulatory Division

(148) In the matter of N2013.3.21:3 Central Montana Communications request to modify their tariffs.

Commissioner Kavulla moved to APPROVE the request in Docket N2013.3.21. Commissioner Koopman seconded the motion, which passed unanimously.

APPEARANCE

Brenda Koch, Transportation Unit

(149) In the matter of TN2575: Carol T. Place d/b/a Great Falls Historic Trolley request PSC No. 9382 be cancelled.

Commissioner Kavulla moved to CANCEL PSC No. 9382. Commissioner Lake seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck, Transportation Unit
Justin Kraske, Administrator, Legal Division

(150) In the matter of T-12.8.ST: Floaters Shuttle Service LLC's application to transfer PSC No. 9463 to Paul LeGros d/b/a Madison River Shuttle, Bozeman, Montana. Commissioner Lake moved to CLOSE the sale and transfer docket and RETURN PSC No. 9463 to Floaters Shuttle Service LLC. Commissioner Bushman seconded the motion, which passed 4 to 0. Commissioner Kavulla abstaining.

APPEARANCE

Justin Kraske, Administrator, Legal Division
Mike Dalton, Regulatory Division

(151) In the matter of D2010.10.99: iSmart Mobile, LLC's application for designation as an Eligible Telecommunications Carrier.

Commissioner Koopman moved to APPROVE the final order with the proposed changes. Chairman Gallagher seconded the motion.

Commissioner Lake moved to SEPARATE the two issues, to consider the revisions to paragraph 69 separately from the rest of the order. The motion died for lack of a second.

The motion was withdrawn.

APPEARANCE

Kate Whitney, Administrator, Regulatory Division

(152) In the matter of D2012.9.94: NorthWestern Energy's application for authority to establish increased natural gas delivery service rates and allocated cost of service and rate design.

Commissioner Lake moved to APPROVE the final order with suggested changes. Chairman Gallagher seconded the motion, which passed 4 to 1. Commissioner Kavulla dissenting.

APPEARANCE

Bob Decker, Regulatory Division
Jason Brown, Legal Division

(153) In the matter of D2008.8.95: NorthWestern Energy's application for approval to construct and operate Dave Gates Generating Station to supply regulation service for NWE's Montana electric operations and Montana Transmission Control Area.

Chairman Gallagher moved to DIRECT staff, on an informal basis, to communicate both their recommendations for possible revisions along with those expressed by the Commission to NWE with the encouragement to consider the revisions and offer another revised plan. Commissioner Koopman seconded the motion and passed unanimously.

APPEARANCE

Bob Decker, Regulatory Division
Jason Brown, Legal Division

(154) In the matter of D2013.3.15: Black Hill Power's petition for a short-term waiver of the Community Renewable Energy Project Requirement.

Commissioner Lake moved to GRANT the waiver to Black Hills Power. Chairman Gallagher seconded the motion, which passed unanimously.

APPEARANCE

Commissioner Kavulla

(155) In the matter of membership in RCCo, the successor organization to the current WECC reliability function.

Commissioner Kavulla moved to JOIN the RCCo as a member. Chairman Gallagher seconds the motion, which passed 4 to 0. Commissioner Koopman abstaining.

(156) In the matter of ARM 38.5.1902: Discuss and act on authorizing staff to notice a proposed rule change to ARM 38.5.1902.

Main Motion: Chairman Gallagher moved to ISSUE the Notice of Proposed rulemaking on May 13, 2013 as corrected with a hearing date as soon as possible after June 12, 2013, including a sentence read at the work session specifying that existing QFs are not subject to the 100 kw limitation for the purposes of renewing or extending a contract and subject to content changes by the Department's rule reviewer Justin Kraske. Commissioner Koopman seconded the motion.

Motion to Amend: Commissioner Kavulla moved to AMEND the notice to include a sentences specifying a 10 mw limit on non-intermittent resources such as hydro and biomass and applying the 100 kw limit only to intermittent resources such as wind and solar. The motion died for a lack of a second.

Motion to Amend: Commissioner Kavulla moved to AMEND the notice to include two rule options, one applicable to all resources and one distinguishing between non-intermittent resources and intermittent resources. The motion died for a lack of a second.

The main motion passed 4 to 1. Commissioner Kavulla dissenting.

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

W. A. GALLAGHER, Chairman

BOB LAKE Vice Chairman

KIRK BUSHMAN, Commissioner

TRAVIS KAVULLA, Commissioner

ROGER KOOPMAN, Commissioner

ATTEST:

Judy Scheier
Assistant Commission Secretary

(SEAL)