

From: [Brown, James](#)
To: [Fielder, Jennifer](#)
Subject: RE: Justification for Travel Lay-Over in Helena
Date: Friday, April 15, 2022 9:55:00 AM

Commissioner Fielder

Thank you for the additional detail and explanation below.

I fully recognize the extensive amount of time and effort you have dedicated to this agency. You have gone above and beyond in working to ensure this agency has come into compliance in terms of meeting the requirements of state law and policy, particularly as it relates to travel expenses and reimbursement.

As you know, the PSC is under a tremendous amount of legislative and public scrutiny at this point in time. While much has been done to restore the credibility of the agency, the agency is only one misstep away from having all the good work that has been accomplished these past 15 months be undermined. Such is the case with the new organizational rule wherein the change in where the designated headquarters is for purposes of travel presents an opportunity for a huge agency misstep.

As you well know, it has always been the situation where PSC commissioners shoulder the cost of travel to and from the Commission, as well as the cost of lodging while in Helena. Some commissioners have gone so far as to purchase housing or to rent housing in order to be at the PSC office; and they have traditionally funded the same out of their own pocket. For example, Commissioner O'Donnell purchased a residence in Helena when he was elected to the PSC. Commissioner O'Donnell has not sought reimbursement for travel by and between Billings and Helena. To this end, Commissioner O'Donnell asked me, somewhat facetiously, whether, under the new travel rule whether he is entitled to a pro rata payment on his mortgage for those nights he stays in Helena when appearing at the Commission.

I fully understand the expense of travel to and from the Commission in Helena can be and is substantial. However, as department travel is funded by the Montana ratepayer, reimbursement for the same should be done judiciously. It is for this reason the new organizational rule provides me, as the President, the ability to approve or disapprove travel requests. In this vein, I have reservations about your requests to be reimbursed for lodging in Helena, particularly over an extended period of time.

As we discussed by telephone, the PSC's central services staff has also indicated to me their strong concerns about the lodging requests, particularly as those requests ask for reimbursement for weekend nights spent in Helena. "Our" staff has noted, properly, that ordinary state time does not include weekend days or nights for purposes of pay. What is more, the staff has noted that elected officials are authorized to work remotely.

And, as we discussed, the staff here has highly recommended that if the commission is to pursue and implement the new organizational rule, an accompanying policy needs to be drafted that cabins and specifies what lodging and travel expenses are reimbursable. Staff asserts such a policy needs to be adopted and implemented in order to address and head off what will be inevitable questions from the auditors.

All this is to say that, as expressed to you verbally, at this point in time, I will not approve reimbursement for the Helena lodging requests or travel from the district to Helena and back. I will, however, investigate more thoroughly staff's suggestion to better cabin and define the parameters of that rule change. I will also approve the travel request relating to the Stevensville trip in which you

represented the Commission at the public meeting there.

Thank you for all you do and all you have done to benefit the Commission, regulated parties, and the ratepayer these past 16 months.

President Brown