

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, June 18, 2002, the following members were present:

- Gary Feland, Chairman
- Jay Stovall, Vice Chairman
- Matt Brainard, Commissioner
- Bob Rowe, Commissioner

Commissioner Anderson was absent but left written votes with the Commission Secretary.

APPEARANCE

Wayne Budt, Administrator  
Transportation & Centralized Services Division

(255) In the matter of T-02.24.PCN; On March 12, 2002 Julie & Glenn Stroh, Rex & Shirley Cline & Rickey Simpson, a partnership dba Helping Hand Shuttle, Missoula, Montana applied for Montana intrastate passenger authority. The application was noticed to the public on April 9, 2002 and protests were received. Applicant has requested that the application be withdrawn and the docket closed.

Class B – Passengers between all points and places in Mineral, Missoula and Ravalli County, Montana.

Commissioner Rowe moved to approve the withdrawal of the application and close the docket. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(256) In the matter of TN2142; Thomas P. McGree, Butte, Montana, through his personal representative, requests permission to continue the lease of PSC No. 2530 to Tucker Transportation, Inc., Butte, Montana for a twelve (12) month period, June 14, 2002 to June 14, 2003.

Class D - Garbage, scrap, salvage and refuse in the City of Butte, Montana, and to or from points immediately tributary thereto, but not exceeding a distance of ten (10) miles from said city. Carrier is allowed to transport authorized commodities to certified landfills from territory authorized.

Commissioner Brainard moved to approve the continuation of the lease. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

(257) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of June 10, 2002. Commissioner Rowe seconded the motion, which passed unanimously. Commissioner Anderson voted aye.

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

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
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, June 18, 2002, the following members were present:

- Gary Feland, Chairman
- Jay Stovall, Vice Chairman
- Bob Anderson, Commissioner, via telephone
- Matt Brainard, Commissioner
- Bob Rowe, Commissioner

APPEARANCE

Robin McHugh, Will Rosquist

(258) In the matter of the Commission's discussion of NorthWestern Energy's customer choice guidelines, Docket No. D97.7.90; Commissioner Anderson moved to adopt the guidelines and issue an interim order, subject to changes recommended by staff. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Martin Jacobson

(259) In the matter of the Commission's discussion of Great Falls Tribune v. Montana Public Service Commission lawsuit; Commissioner Brainard moved to file the appeal with the Supreme Court. Commissioner Feland seconded the motion, which passed with a vote of 4-0. As this item was heard out of order (last for the day) and Commissioner Rowe had left the room prior to the vote on this issue, he did not wish to cast a vote afterwards.

APPEARANCE

Monica Tranel

(260) In the matter of the Commission's discussion of the PSC's Cramming Complaint against Directory Service, Inc., Network Comm Group and Integretel, Docket No. D2002.3.29; Commissioner Anderson moved to reconsider the previous action (issuing a penalty of \$1,000 per violation). Commissioner Stovall seconded the motion, which passed with a vote of 3-2. Commissioners Anderson, Rowe and Stovall voted aye. Commissioners Brainard and Feland dissented.

Commissioner Anderson moved to adopt the alternative paragraph with a \$10 penalty per violation. Commissioner Stovall seconded the motion, which passed with a vote of 3-2. Commissioners Anderson, Rowe and Stovall voted aye. Commissioners Brainard and Feland dissented.

APPEARANCE

Martin Jacobson

(261) In the matter of the Commission's discussion of Clark Fork Telecommunications, Docket No. D2001.7.98; Commissioner Rowe moved to reset the hearing for October 2, 2002, with October 3, 2002 reserved as a holdover date. Commissioner Feland seconded the motion, which passed unanimously.

Commissioner Rowe moved to overrule Qwest's objection to Data Request 49, sustain Montana

Telecommunications Association's (MTA) objection to Data Request 51, sustain the objection in part to Data Request 52 and require response to anything reasonably associated and not privileged, overrule MTA's objection to DR 53 and 54 and instruct the answer be clarified, sustain Qwest's objection to DR 55 as to responsiveness and require MTA to provide names, and sustain part of the objection to DR 58, but provide the documents within the scope (used in the preparation of Mr. Feiss' testimony). Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel, Mike Lee

(262) In the matter of the Commission's discussion of NARUC's Survey on Line Sharing; Commissioner Anderson moved to support NARUC's position on seeking a stay in the D.C. Circuit Court. Commissioner Stovall seconded the motion, which passed unanimously. Commissioner Rowe left a verbal vote aye prior to leaving the room.

APPEARANCE

Monica Tranel, Mike Lee

(263) In the matter of the Commission's discussion of Qwest Communications Corporation's Application for Approval of Section 271, Touch America's Motion to Reopen the Proceeding, Docket No. D2000.5.70; Commissioner Stovall moved to deny Touch America's motion to reopen the docket. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe left a verbal vote of aye prior to leaving the room.

APPEARANCE

David Hoffman, Susan Good

(264) In the matter of the Commission's discussion of utility division administrator personnel matters; Commissioner Stovall moved to accept staff's recommendations to move the utility division administrator's duties to Steve Vick on an interim basis, combining the program manager duties with the utility division administrator's duties. Commissioner Brainard seconded the motion, which passed with a vote of 3-1. Commissioners Brainard, Feland and Stovall voted aye. Commissioner Anderson dissented. Commissioner Rowe did not wish to cast a vote on this issue as he missed the discussion.

Commissioner Feland moved to increase Steve Vick's annual salary to \$45,000 by granting a pay exception. Commissioner Brainard seconded the motion, which passed with a vote of 3-1. Commissioners Brainard, Feland and Stovall voted aye. Commissioner Anderson dissented. Commissioner Rowe did not wish to leave a vote on this issue as he missed the discussion.

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

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
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, June 20, 2002, the following members were present:

- Gary Feland, Chairman
- Jay Stovall, Vice Chairman
- Bob Anderson, Commissioner
- Matt Brainard, Commissioner

Commissioner Rowe was absent but left his proxy with Commissioner Feland. A vote was left open for Commissioner Rowe which was later cast pursuant to his email instruction.

APPEARANCE

Robin McHugh, Eric Eck, Will Rosquist

(265) In the matter of the Commission's discussion of NorthWestern Energy's Default Supply Portfolio Filing, Docket No. D2001.10.144; Commissioner Brainard moved to adopt the new generation language for inclusion in the draft final order. Commissioner Anderson seconded the motion, which passed unanimously. Commissioner Rowe voted aye.

Commissioner Anderson moved to approve the Final Order, subject to nonsubstantive edits. Commissioner Brainard seconded the motion, which passed unanimously. Commissioner Feland cast Commissioner Rowe's proxy aye.

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

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GARY FELAND, Chairman

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JAY STOVALL, Vice Chairman

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BOB ANDERSON, Commissioner

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MATT BRAINARD, Commissioner

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BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons  
Commission Secretary  
(SEAL)