

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, November 19, 2002, the following members were present:

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

APPEARANCE

Steve Vick
Utility Division

(481) In the matter of MDU Resources Group, Inc., Docket No. D2002.11.138; On November 4, 2002, MDU applied for authority to issue over a two-year period \$750,000,000 of long-term financing in the following amounts: (1) the issuance of not to exceed \$750,000,000 of the Company's Common Stock; (2) the issuance not to exceed \$112,500,000 of the Company's Preferred Stock and/or Preferred Stock A; (3) the issuance of not to exceed \$262,500,000 of the Company's secured debt securities; (4) the issuance of not to exceed \$262,500,000 of stock purchase contracts; and (5) the issuance of not to exceed \$262,500,000 of hybrid securities such as convertible or unconvertible preferred securities, putable or callable instruments. The Company seeks the flexibility to vary the maximum issuance amounts for each type of security so long as the aggregate issuance amount of all securities does not exceed \$750,000,000. The proceeds of these issuances will be used for funding the Company's capital requirements, for the refunding of its outstanding obligations, for corporate development including the acquisition of businesses or business assets and for other general corporate purposes. Commissioner Stovall moved to approve the issuance of the stock. Commissioner Rowe seconded the motion, which passed with a vote of 4-1. Commissioners Anderson, Feland, Rowe and Stovall voted aye. Commissioner Brainard dissented.

(482) In the matter of NorthWestern Energy, Docket No. D2001.1.5; On November 4, 2002, MDU applied for authority to issue up to \$125,000,000 of Promissory Notes and Commercial Paper. The requested authorization covers a two-year period ending December 31, 2004. Proceeds from the issuance will be used to fund the Company's capital requirements, for the refunding of its outstanding obligations, for corporate development purposes and for other general corporate purposes. Commissioner Anderson moved to issue the default order. Commissioner Rowe seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(483) In the matter of T-02.101.PCN; On September 19, 2002 Ernestine Morey dba Roundup Icon Taxi Service, Roundup, Montana filed an application for a Montana Intrastate Certificate of Public Convenience and Necessity. The application was noticed to the public on October 10, 2002 and no protests were received. On November 7, 2002, the Commission approved the grant of operating authority and Final Order 6529 was issued. Ms. Morey advises that she is unable to continue in this business venture and requests that the granted authority be cancelled and the docket closed.

Class B - Passengers between all points and places in Roundup, Montana and a 100 mile radius thereof. LIMITATION: All transportation movements must originate or terminate in Roundup, Montana.

Commissioner Feland moved to cancel the authority and close the docket. Commissioner Stovall seconded the motion, which passed unanimously.

(484) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of November 11, 2002. Commissioner Rowe seconded the motion, which passed unanimously.

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

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

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- Gary Feland, Chairman
- Jay Stovall, Vice Chairman
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- Matt Brainard, Commissioner
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Commissioner Anderson left at 10:45 a.m. and asked that the remaining votes be left open for him.

APPEARANCE

Wayne Budt, Susan Good, Monica Tranel, Kate Whitney, Martin Jacobson

(485) In the matter of the Commission's discussion of proposed legislation for the 2003 Legislature; Commissioner Brainard moved to approve the sponsoring of legislation regarding fees, 69-1-114, MCA, as proposed. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Will Rosquist

(486) In the matter of the Commission's discussion of NorthWestern Energy/BPB Residential Exchange Credit, Docket No. D2002.6.64; Commissioner Anderson moved to approve the final tariff. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Steve Vick, Will Rosquist

(487) In the matter of the Commission's discussion of the Implementation of SB 390, Electric Restructuring and Customer Choice Act, and NorthWestern Energy's Default Supply Portfolio, Dockets No. D97.7.90 and D2001.10.144, respectively; Commissioner Brainard moved to issue the notice of request to compel. Commissioner Stovall seconded the motion, which passed with a vote of 3-2. Commissioners Brainard, Feland and Stovall voted aye. Commissioners Anderson and Rowe dissented.

APPEARANCE

Martin Jacobson, Joel Tierney

(488) In the matter of the Commission's discussion of the Town of Westby's failure to comply with Part 192 of the Pipeline Safety Regulations, Docket No. D2002.11.143; Commissioner Feland moved to issue an order to show cause. Commissioner Brainard seconded the motion, which passed unanimously.

APPEARANCE

Monica Tranel

(489) In the matter of the Commission's discussion of the Scope of 47 U.S.C. Sections 251 and 252 with regard to filing interconnection agreements with the Commission; Commissioner Rowe moved to issue the notice of inquiry subject to minor edits. Commissioner Brainard seconded the motion, which passed with a

vote of 4-0. The vote was left open for Commissioner Anderson who later cast his vote aye, making the vote unanimous.

APPEARANCE

Monica Tranel, Kate Whitney, Vicki Duncan

(490) In the matter of the Commission's discussion of DSI unauthorized charges on telephone bills (cramming complaint), Docket No. D2002.3.29; Commissioner Brainard moved to deny the motion for reconsideration. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Anderson who later cast his vote aye, making the vote unanimous.

APPEARANCE

Monica Tranel

(491) In the matter of the Commission's discussion of McLeodUSA and Qwest Corporation application for approval of interconnection agreement, Docket No. D2000.1.7; Commissioner Rowe moved to approve the Facility Decommissioning Agreement as filed; approve the escalation procedure agreement, subject to Qwest making escalation procedures available to other carriers; approve the agreement concerning facility parity, subject to Qwest offering the same quality of resale services and facilities availability parity to all carriers; and reject the confidential settlement agreement. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Anderson who later cast his vote aye, making the vote unanimous.

In the matter of the Commission's discussion of DSLnet and Qwest Corporation application for approval of interconnection agreement, Docket No. D2000.11.196; Commissioner Rowe moved to approve the Facility Decommission Agreement as filed. Commissioner Brainard seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Anderson who later cast his vote aye, making the vote unanimous.

In the matter of the Commission's discussion of Mid-Rivers and Qwest Corporation application for approval of interconnection agreement, Docket No. D97.2.19; Commissioner Rowe moved to reject the Confidential Billing Settlement Agreement. Commissioner Stovall seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Anderson who later cast his vote aye, making the vote unanimous.

In the matter of the Commission's discussion of Covad Communications and Qwest Corporation application for approval of interconnection agreement, Docket No. D99.3.68; Commissioner Rowe moved to reject the previously unfiled agreement with Covad. Commissioner Brainard seconded the motion, which passed with a vote of 4-0. The vote was left open for Commissioner Anderson who later cast his vote aye, making the vote unanimous.

APPEARANCE
Monica Tranel

(492) In the matter of the Commission's discussion of the Complaint filed by the Montana Public Service Commission against Qwest Corporation regarding the Winback Tariff, Docket No. D2000.2.21, BDV 2002-397; Commissioner Brainard moved to close the meeting pursuant to the litigation exception. Commissioner Stovall seconded the motion, which passed with a vote of 3-1. Commissioners Brainard, Feland and Stovall voted aye. Commissioner Rowe dissented. Commissioner Anderson did not leave a vote on this issue and did not vote on it afterwards.

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

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)