

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Monday, December 8, 2003, the following members were present:

- Bob Rowe, Chairman
- Thomas J. Schneider, Vice Chairman
- Greg Jergeson, Commissioner
- Jay Stovall, Commissioner

(237) In the matter of the Commission's discussion of Administrative rulemaking re: SB 247 – advanced approval minimum filing requirements, Docket No. L-03.10.5-RUL:

Commissioner Rowe moved to adopt rules L-03.10.5-RUL with deletion of language on “opportunity resources” as recommended by staff and respond to comments according to memo. Commissioner Jergeson seconded the motion, which passed 4-0.

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

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

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, December 9, 2003, the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

APPEARANCE

Kate Whitney, Administrator
Utility Division

(238) In the matter of Qwest Corporation, D2000.6.80, On October 31, 2003, Qwest submitted a proposed revision to the Qwest Performance Assurance Plan (QPAP) that modifies QPAP Attachment 1 to reflect the change in the New Service Quality performance measurement from OP-5 to OP5a. The proposed revision incorporates into the QPAP (which is Exhibit K of Qwest's Statement of Generally Available Terms & Conditions) the same OP-5a changes that the Commission recently approved for SGAT Exhibit B.

Commission Brainard moved to accept the proposed revision. Commissioner Jergeson seconded the motion, which passed 5-0.

APPEARANCE

Leroy Beeby
Utility Division

(239) In the matter of Qwest Communication, N2003.11.161: on November 14, 2003, Qwest Communications filed Tariff Transmittal 03-32 to introduce Qwest Choice Home and Qwest Choice Business. Qwest Choice Home is a package of features available with an individual flat rate or additional flat rate access line. The package will be rated at \$25.99. The Qwest Choice Two-line Home Package will be rated at \$40.99 Residence Customers will be provided with Line-backer and three other services and features. Additional features will be available on an a-la-carte basis of \$3.00 or less if the a-la-cart rate is less than \$3.00.

Commissioner Stovall moved to approve Qwest package with an effective date of December 15, 2003. Commissioner Schneider seconded the motion, which passed 5-0.

APPEARANCE

Scott Fabel
Utility Division

(240) In the matter of Qwest Communications, N2003.11.162, on November 19, 2003, Qwest filed Tariff Transmittal 03-33, Advanced DSS TLA Waiver Promotion: Effective January 29, 2004, telemarketers

must display Caller ID per the FCC's Do-Not-Call rules at 47CFR 64.1601(e) requiring name and number transmittal. Qwest is proposing to waive the termination liability (TLA) for advanced DSS service trunks used for telemarketing purpose when a customer chooses to migrate to another Company service that provides the required Caller ID. In addition, nonrecurring charges (NRC) for the new service will also be waived with the exception of Centrex PRIME which currently has a 50 percent reduction in NRC for the 3-year contract term and no NRC for the 5-year contract term. The proposed promotion will run from December 22, 2003 through January 29, 2004.

Commissioner Schneider moved to approve Qwest's request. Commissioner Stovall seconded the motion, which passed with a vote of 5-0.

(241) In the matter of MCI Telecommunications, N2003.11.163: on November 21, 2003, MCI filed Transmittal Letter No. 03-17. The purpose of this filing is: To introduce Deposit Promotion and MCI Business Services Satisfaction Guarantee; to introduce a usage cap for Advanced Option II for Small Business Savings Plan XII; and To add language to the service description for MCI Prism Plus, MCI Preferred, Commercial Dial-1, MCI Flat Rate, MCI Flat Rate Plus, Advanced Option I for Small Business and Advanced Option II for Small Business.

Commissioner Brainard moved to approve Transmittal Letter No. 03-17. Commissioner Stovall seconded the motion, which passed 5-0.

(242) In the matter of Sprint Communications N2003.11.164: on November 21, 2003, Sprint filed revisions to its Price List No.1. The purpose of this filing is to make changes to the terms and conditions for Dial-1, 800 and FONCARD Business Sense \$0 Commitment Level Non-Term Rate Plans.

Commissioner Schneider moved to approve the revisions. Commissioner Jergeson seconded the motion, which passed 5-0.

APPEARANCE

Wayne Budt, Administrator
Transportation/Centralized Services

(243) In the matter of the approval of Commission Minutes; Commissioner Jergeson moved to approve the Commission Minutes for the week of December 1, 2003. Commissioner Brainard seconded the motion, which passed 5-0.

APPEARANCE

Martin Jacobson, Kim Moran

(244) In the matter of the Commission's discussion of Blackfoot application for EAS - Docket No. D2003.1.8:

Commissioner Brainard moved to grant the protective order filed by Blackfoot Telephone. Commissioner Stovall seconded the motion, which passed 5-0.

Commissioner Jergeson moved to authorize staff to recommend Blackfoot file a response within 20 days. Commissioner Schneider seconded the motion, which passed 5-0.

APPEARANCE
Martin Jacobson

(245) In the matter of the Commission's discussion of Triangle/Central application for EAS – Docket No. D2002.10.132:

Commissioner Jergeson moved to grant a protective order in Docket No. D2002.10.132. Commissioner Brainard seconded the motion, which passed 5-0.

(246) In the matter of the Commission's discussion of Western Wireless application for ETC – Docket No. D2003.1.14:

Commissioner Schneider moved to adopt staff recommendations to approve the change in date for intervenor testimony to January 16 and the remainder of the procedural schedule to be adjusted to reflect the change. Commissioner Jergeson seconded the motion, which passed 5-0.

APPEARANCE
Robin McHugh

(247) In the matter of the Commission's discussion of the 9th Circuit case regarding federal preemption of state laws requiring that manufacturers of appliances supply information about the energy efficiency and water use of the appliances they sell in the state.

Commissioner Schneider moved to join in support of the State of California by joining Oregon's amicus filing. Commissioner Brainard seconded the motion, which passed 5-0.

APPEARANCE
David Burchett

(248) In the matter of the Commission's discussion of NorthWestern Energy requesting the Commission to cancel the T and D sales credit:

Commissioner Schneider moved to authorize the company to terminate the sale proceed credit at the time the credit dollar amount expires. Commissioner Stovall seconded the motion, which passed 5-0.

APPEARANCE
Al Brogan, Leroy Beeby

(249) In the matter of the Commission's discussion of Espeland Resort Properties dba Fairmont RV Pard to determine whether or not to grant late intervention to Espeland in Docket No. D2003.10.152:

Commissioner Brainard moved to grant late intervention to Espeland Resort Properties. Commissioner Jergeson seconded the motion, which passed 5-0.

APPEARANCE
Martin Jacobson

(250) In the matter of the Commission's discussion of Rulemaking – Pipeline Safety, NESC, ANSI in Docket No. L-03.94-RUL:

Commissioner Schneider moved to adopt updates as proposed. Commissioner Brainard seconded the motion, which passed 5-0.

(251) In the matter of the Commission's discussion of Rulemaking on Utility Line Moving in Docket No. L-03.9.3-RUL:

Commissioner Jergeson moved to adopt proposed rules and respond to comments as presented by staff. Commissioner Brainard seconded the motion, which passed 5-0.

APPEARANCE
Al Brogan

(252) In the matter of the Commission's discussion of Dean R. Curry dba Dirty Deeds Contracting in Docket No. T-03.9.PCN:

Commissioner Schneider moved to adopt the proposed order but clarify the discussion of incidental transportation identifying the exception and decline the late filing in the proposed order and that the exceptions be overruled. Commissioner Brainard seconded the motion, which passed 5-0.

APPEARANCE
Wayne Budt, Administrator
Transportation/Centralized Services

(253) In the matter of the Commission's discussion of Commission support and Commission secretary backup:

Commissioner Schneider moved to have position #39 moved from Centralized Services Division to the Commission Support Group under the supervision of the Commission Secretary. Commissioner Jergeson seconded the motion, which passed 5-0.

Commissioner Schneider moved to designate Judy Scheier as assistant Commission Secretary. Commissioner Jergeson seconded the motion, which passed 5-0.

Commissioner Stovall moved to designate Jory Allen as assistant Commission Secretary. Commissioner Brainard seconded the motion, which passed 5-0.

APPEARANCE

Robin McHugh, Al Brogan, Will Rosquist, Eric Eck

(254) In the matter of the Commission's discussion of PacificCorp Transition Plan for Docket No. D9737391:

Commissioner Brainard moved to deny Flathead Electric Cooperative's petition for late intervention. Motion failed for lack of a second.

Commissioner Schneider moved to deny intervention to FEC without prejudice and direct staff to move forward on the current record as quickly as possible. Commissioner Stovall seconded the motion, which passed with a vote of 4-1. Commissioner Rowe dissented.

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

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)