

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, July 26, 2005, the following members were present:

Greg Jergeson, Chairman
Brad Molnar, Vice Chairman
Doug Mood, Commissioner
Robert H. Raney, Commissioner
Thomas J. Schneider, Commissioner

APPEARANCE

Eric Eck
Utility Division

(299) In the matter of Black Hills Power June 24, 2005 filed Quarterly Fuel Rate Rider Application to increase revenues by \$14, 572 over the base received- Docket No. D2005.6.104:

Commissioner Molnar moved to grant Black Hills Power's Quarterly Fuel Rate Rider Application. Commissioner Schneider seconded the motion, which passed unanimously.

APPEARANCE

Nickie Eck
Transportation Division

(300) In the matter of Harold F. Stacy, Great Falls, Montana request for permission to lease PSC No. 408 to AA Moving and Transfer & Storage LLC, Kalispell, Montana for a period of one year, July 26, 2005 to July 26, 2006- TN2268:

Commissioner Schneider moved to approve the lease as requested. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(301) In the matter of the approval of Commission Minutes:

Commissioner Raney moved to approve the Commission Minutes for the week of July 18, 2005. Commissioner Mood seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh

Administrator, Utility Division

(302) In the matter of the Commission's discussion of NorthWestern Energy Petition for Rulemaking- Docket No. N2005.6.96:

Commissioner Schneider moved to approve the draft Order in N2005.6.96 to incorporate reference to the Tribune and Elliott decisions as per language suggested by Commissioner Mood. Commissioner Raney seconded the motion, which passed 4-1. Commissioner Molnar voted no.

(303) In the matter of the Commission's discussion of Qwest Motion for Reconsideration and Petition for Declaratory Ruling- Docket Nos. D2005.7.108, D2005.4.57, D2005.4.59, D2005.4.60, D2005.4.61, D2005.4.62, D2005.4.64, D2005.4.65, D2005.4.67, D2005.4.68, D2005.4.69, D2005.4.70, D2005.4.71, D2005.4.72:

Commissioner Raney moved to accept the motion for reconsideration in Docket Nos. D2005.7.108, D2005.4.57, D2005.4.59, D2005.4.60, D2005.4.61, D2005.4.62, D2005.4.64, D2005.4.65, D2005.4.67, D2005.4.68, D2005.4.69, D2005.4.70, D2005.4.71, D2005.4.72. Commissioner Schneider seconded the motion, which passed unanimously.

Commissioner Raney moved to accept the petition for declaratory ruling in Docket Nos. D2005.7.108, D2005.4.57, D2005.4.59, D2005.4.60, D2005.4.61, D2005.4.62, D2005.4.64, D2005.4.65, D2005.4.67, D2005.4.68, D2005.4.69, D2005.4.70, D2005.4.71, D2005.4.72. Commissioner Mood seconded the motion, which passed unanimously.

Commissioner Raney moved to direct staff to develop a method by which these agreements are filed with the Commission so they may be reviewed to comply with the court decision. Commissioner Mood seconded the motion, which passed unanimously.

Commissioner Raney moved to vacate our decision not to appeal our decision in the Qwest Covad Case.

Commissioner Schneider made a substitute motion to affirm the Public Service Commission decision not to appeal Qwest's Motion for Judgment on Appeal in CV-04-053-H-CSO filed June 9, 2005, vacating the Public Service Commission's decision to suspend. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Administrator, Legal Division
Gary Duncan, Utility Division

(304) In the matter of the Commission's discussion of Qwest Residence and Business Competitive Response Programs application for Mr. Diamond for pro hac vice status- Docket No. D2004.8.135:

Commissioner Schneider moved to grant the application for Mr. Diamond for pro hac vice. Commissioner Raney seconded the motion, which passed unanimously.

APPEARANCE

Al Brogan, Legal Division
Leroy Beeby, Utility Division

(305) In the matter of the Commission's discussion of the Dan Wheeler Irrigation Charge- Docket No. D2004.11.175:

Commissioner Raney moved to adopt the Draft Order #6635a in Docket No. D2004.11.175. Commissioner Mood seconded the motion, which passed 4-0. Commissioner Jergeson did not vote in this matter.

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

GREG JERGESON, Chairman

BRAD MOLNAR, Vice Chairman

DOUG MOOD, Commissioner

ROBERT H. RANEY, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)