

# **WYOMING PUBLIC SERVICE COMMISSION**

**Tuesday, April 1, 2008  
9:00 a.m.**

## ***Regular Open Meeting Agenda*** Items for Commission Attention

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**Please Note: Although the Commission will consider all of the items on this agenda, they may not be considered in the exact order listed below.**

1. Docket No. 30022-107-GI-08 (Record No. 11610) Investigation, upon the Commission's own motion, of the billing practices and procedures of SourceGas Distribution, LLC, and the impact on its customers. Commission to receive an update from SourceGas representatives about problems related to the Company's billing system and associated issues. Commission advisory staff: Marchia Johansen, Shirley McCown, Steve Mink and Chris Petrie. (No memo.)
2. Docket No. 30022-111-GA-08 (Record No. 11662) Application of SourceGas Distribution, LLC, for authority to abandon natural gas service to eight customers and eleven premises in the Shoshoni area in Fremont County, Wyoming. Company representatives to provide any relevant updates. Commission advisory staff: Chris Petrie. (No memo.)

### **SET DATE AND TIME FOR NEXT OPEN MEETING**

Find more information on the Commission's web site at <http://psc.state.wy.us>:

- for the latest open meeting agenda, see Current Open Meeting Agenda;
- for upcoming meetings, hearings and other activities, see Commission Calendar.

### ***Notice of Intent to Adopt Rules and Regulations\****

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Docket No. 90000-101-XO-08 (Record No. 11651) Proposed Adoption of Chapter 1, Rules of Practice and Procedure, Sections 102 and 122; Chapter 5, Special Regulations – Telephone Utilities Only, Sections 500-504, 506, 517 and 547; and Chapter 9, General Forms, Section 901(j), of the Commission's Procedural rules and Special Regulations.

**For additional information, contact Christopher Petrie, at (307) 777-5763**

The 2007 Wyoming Session Law Chapters 118 and 142 were enacted and became effective July 1, 2007. Significant aspects of the statutory framework governing the regulation of telecommunications utilities, which had been in place since 1995, were altered by the passage of

these laws. These rules are proposed to implement the Wyoming Legislature's intent to recognize competition in certain markets, to establish appropriate methods by which telecommunications providers may obtain a Commission determination that effective competition exists, and generally to regulate telecommunications utilities in a manner that encourages the further development of competition consistent with the interests of telecommunications consumers.

These proposed new rules, including revisions to existing sections of Chapters I, V and IX of the Public Service Commission's Procedural Rules and Special Regulations would conform the Rules of Practice and Procedure with the Wyoming Telecommunications Act, which generally govern the regulation of telecommunications utilities, by establishing consistent guidelines, criteria, and standards for telecommunications related proceedings before the Public Service Commission, including proceedings related to exclusive agreements for the provision of telecommunications services involving any city, town or political subdivision. The proposed rules also explicitly provide for expedited proceedings before the Public Service Commission, and improve the accuracy and readability of the rules by renumbering certain provisions, and eliminating various typographical and grammatical errors and inconsistencies. Further, the proposed rules revise records retention and outage reporting requirements to modernize those requirements, coordinate them with federal reporting requirements, and provide a means for obtaining accurate and timely outage reports for events likely to affect public safety, and substitute current citations and references to statutes, rules and agencies for obsolete references

The Public Service Commission is proposing revisions of the following section of its Procedural Rules and Special Regulations: Sections 102, 500, 501, 503, 504, 506, 517, 518, 519, 520, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545 and 901.

The Public Service Commission is proposing the repeal of the following section of its Procedural Rules and Special Regulations: Sections 521, 522 and 546.

The Public Service Commission proposes the adoption of the following new sections of its Procedural Rules and Special Regulations: Sections 122 (providing for expedited proceedings), and 547 (providing for the conduct of proceedings related to exclusive agreements for the provision of telecommunications services involving any city, town or political subdivision).

A copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at the Public Service Commission's offices located at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002, or on the Public Service Commission's website at <http://psc.state.wy.us/htdocs/TeleCommRuleRev.htm>.

Written comments presenting the views of any interested persons may be filed with the Public Service Commission at any time prior to **May 12, 2008**.

**A public hearing on the proposed rules has been scheduled to commence on May 15, 2008, at 9:00 a.m. at the Public Service Commission's hearing room located at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002.**

Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response stating the reasons for overruling consideration(s) against adoption must be made prior to, or within thirty (30) days after adoption of the rule, addressed to:

**Christopher Petrie, Chief Counsel**  
**Public Service Commission of Wyoming**  
**2515 Warren Avenue, Suite 300**  
**Cheyenne, WY 82002**

These are **New Rules** (i.e., these are the first set of rules to be promulgated by the agency after the Legislature's adoption of a new statutory provision or an act significantly amending an existing statute. A new rule is one that is promulgated in direct response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules or the repeal or amendment of an existing rule.)

The specific legislation resulting in promulgation of these rules is: 2007 Wyoming Session Law Chapters 118 (Senate File 80) and 142 (Senate file 78), which amended W.S. § 37-15- 101 through 37-15-502, thus revising the provisions Wyoming Telecommunications Act of 1995.

These rules are not adopted, amended or repealed to comply with federal law or regulatory requirements.

Statement required by W.S. § 16-3-103(a)(i)(G): The proposed rule change meets minimum substantive state statutory requirements.

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\*This notice corrects and supersedes the notice issued on March 19, 2008 and published on March 21, 2008, which erroneously referenced Chapters I, X and IX. The correct reference, as stated above, is to Chapters I, V and IX.

**WYOMING PUBLIC SERVICE COMMISSION**

***Notice of Commission Activity***

**Tuesday, April 1, 2008  
1:30 p.m.**

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Docket No. 30016-41-GR-06 (Record No.10400) Second amended general rate application of Pinedale Natural Gas, Inc., for authority to establish a revised overall rate of return of 11.5% to reflect changes in the costs of providing natural gas service and increase revenues \$93,000 per annum. Commission to resume the deliberations on the rehearing recessed on Wednesday, March 13, 2008, and possibly render a decision.

Commission advisory staff: Marci Norby, Don Biedermann and Blair Bales.

**WYOMING PUBLIC SERVICE COMMISSION**  
**Regular Open Meeting Agenda**  
Items for Commission Attention

**Wednesday, April 9, 2008**  
**1:30 p.m.**

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**Please Note: Although the Commission will consider all of the items on this agenda, they may not be considered in the exact order listed below.**

Copies of Commission advisory staff memos mentioned in this agenda may be obtained on request from Debbie McFerrin at 307-777-7427 or [dmcfer@state.wy.us](mailto:dmcfer@state.wy.us)

**CONSENT AGENDA ITEMS**

Items on this list are deemed to be routine matters not requiring formal presentations and will be considered and voted on as a group by the Commission. Items may be removed from this list by a Commissioner or by the Commission at the request of another interested person. Any item removed from this list will be considered as a regular open meeting item and may be tabled if necessary to allow for full review at a later open meeting. Requests from interested parties for removal of an item from the consent agenda prior to the hearing are encouraged.

1. Docket no. 20000-320-EA-08 (Record No. 11671) Application of Rocky Mountain Power, for authority to sell, lease or dispose of certain utility plant or facilities. Commission to consider and act on the Company's application. Commission advisory staff: Don Biedermann and Steve Mink. (See memo dated April 4, 2008.)
2. Docket No. 30022-84-GA-06 (Record No. 10806) Joint application of SourceGas, LLC, SourceGas Distribution, LLC, Kinder Morgan, Inc., and KM Retail Utility Holdco, LLC, for approval of a transfer of utility assets and certificate authority from Kinder Morgan, Inc., to SourceGas Distribution, LLC, and reorganization of SourceGas Distribution, LLC, as a wholly-owned subsidiary of SourceGas, LLC. Commission to consider SourceGas Distribution, LLC's, request for an extension of time from May 1, 2008, until May 31, 2008, to file its 2007 Audited Financial Statements Report. Commission advisory staff: Luy Luong and Dave Lucero. (No memo; see attached request for extension.)
3. Docket Nos. 70000-1366-TK-08 and 70043-19-TK-08 (Record No. 11645) Qwest Corporation and Level 3 Communications, LLC., have filed a joint application for Commission authority to enter into a DC Power Measurement Amendment to a Wireline Interconnection Agreement. Commission advisory staff: Luy Luong and Dave Lucero. (See Memo dated April 7, 2008.)
4. Docket No. 70114-21-TA-08 (Record No. 11693) Petition of Bresnan Broadband of Wyoming (Bresnan), LLC, for confidential treatment for portions of the 2007 annual report. Commission to consider and act on Bresnan's Petition for Confidential Treatment. Commission advisory staff: Steve Mink and Art Schmidt. (No memo; see attached Petition.)

5. Undocketed. Open Meeting Minutes for review by the Commission for the Regular Open Meetings of January 30, February 6, February 26, 2008. Prepared by: Angela Elliott and Deborah McFerrin. (No memo; see attached copies of listed minutes.)

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### **REGULAR AGENDA ITEMS**

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1. Docket No. 90000-103-XO-08 (Record No. 11691). Proposed revision of Chapter 2, Section 208 of the Commission's Procedural Rules and Special Regulations regarding certain *de minimus* transfers. Commission to consider initiating a rule-making proceeding. Commission advisory staff: Steve Mink and Darrell Zlomke. (No memo; see attached Section 208 in legislative format.)
2. Docket No. 10016-49-CT-07 (Record No. 11474) Application of Wyrulec Company for notice of filing net metering service and avoided cost tariffs. Commission to consider and act on the application. A company representative will appear by telephone. Commission advisory staff: Marci Norby and Steve Mink. (See memo dated April 7, 2008.)
3. Docket No. 30022-107-GI-08 (Record No. 11610) Investigation, upon the Commission's own motion, of the billing practices and procedures of SourceGas Distribution, LLC, and the impact on its customers. Commission to receive an update from SourceGas representatives about problems related to the Company's billing system and associated issues. Discussion will include procedural issues related to Seminole Energy Services' proposal to revise the Choice Gas Service Supplier Participation Agreement and the potential impact, if any, of the existing Supplier Participation Agreement on customers. Commission advisory staff: Marchia Johansen, Shirley McCown, Steve Mink and Chris Petrie. (No memo; see attached tariff revision proposal submitted by Seminole.)
4. Docket No. 30022-111-GA-08 (Record No. 11662) Application of SourceGas Distribution, LLC, for authority to abandon natural gas service to eight customers and eleven premises in the Shoshoni area in Fremont County, Wyoming. Company representatives to provide any relevant updates. Commission advisory staff: Chris Petrie. (No memo.)
5. Docket No. 90072-28-XO-08 (Record No. 11690) Funding requirement and proposed assessment factor for the July 2008 to June 2009 fiscal year of the Wyoming Universal Service Fund. Commission to consider the Office of Consumer Advocate's (OCA) request for access to confidential information, and statement in the Notice of Intervention that the OCA "anticipates that a hearing will be necessary." Commission advisory staff: Barbara Taylor-Iversen, Art Schmidt and Blair Bales. (No memo; please see attached May 2, 2008, letter.)

### **Set Date and Time for Next Open Meeting**

Find more information on the Commission's web site at <http://psc.state.wy.us>:

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***Notice of Commission Activity***  
**Thursday, April 10, 2008**

**9:00 a.m. (MDT)**

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Commission Hearing Room, 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming

The Commission will host a Rocky Mountain Power Wyoming Stakeholder dialogue session for discussion of state resource planning issues, commission acknowledgement order requirements, the IRP improvement initiative, and expectations for the 2008 IRP. Parties who plan to attend are asked to give notice via the IRP mailbox at [irp@pacificorp.com](mailto:irp@pacificorp.com).

**1:00 p.m.**

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The Commission will host a technical conference to discuss the 2008 annual Eligible Telecommunications Carrier (ETC) reporting and certification process. Expected topics include the scope and nature of information required by Section 514 of the Commission's rules and scheduling issues. Other issues of interest may also be discussed.

Tentative Agenda

- |         |   |
|---------|---|
| 1:00 pm | Introduction of participants  |
| 1:15 pm | Wyoming Telecommunications Association (WTA) presentation by Mr. Gordy Kraut, Comptroller, RT Communications, on type of financial information filed with USAC by ETCs and its significance |
| 1:45 pm | Break   |
| 2:00 pm | Continued discussion  |
| 3:00 pm | Office of Consumer Advocate presentation of scheduling issues and proposed schedule revisions   |

Other parties who wish to reserve time on the agenda for a specific presentation, please contact Chris Petrie at [cpetri@state.wy.us](mailto:cpetri@state.wy.us).

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**PARTICIPATION BY TELEPHONE:** Please contact Chris Petrie at [cpetri@state.wy.us](mailto:cpetri@state.wy.us) to arrange to participate in either of these events by telephone.

## ***Notice of Intent to Adopt Rules and Regulations***

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Docket No. 90000-101-XO-08 (Record No. 11651) Proposed Adoption of Chapter 1, Rules of Practice and Procedure, Sections 102 and 122; Chapter 5, Special Regulations – Telephone Utilities Only, Sections 500-504, 506, 517 and 547; and Chapter 9, General Forms, Section 901(j), of the Commission’s Procedural rules and Special Regulations.

**For additional information, contact Christopher Petrie, at (307) 777-5763**

The 2007 Wyoming Session Law Chapters 118 and 142 were enacted and became effective July 1, 2007. Significant aspects of the statutory framework governing the regulation of telecommunications utilities, which had been in place since 1995, were altered by the passage of these laws. These rules are proposed to implement the Wyoming Legislature’s intent to recognize competition in certain markets, to establish appropriate methods by which telecommunications providers may obtain a Commission determination that effective competition exists, and generally to regulate telecommunications utilities in a manner that encourages the further development of competition consistent with the interests of telecommunications consumers.

These proposed new rules, including revisions to existing sections of Chapters I, V and IX of the Public Service Commission’s Procedural Rules and Special Regulations would conform the Rules of Practice and Procedure with the Wyoming Telecommunications Act, which generally govern the regulation of telecommunications utilities, by establishing consistent guidelines, criteria, and standards for telecommunications related proceedings before the Public Service Commission, including proceedings related to exclusive agreements for the provision of telecommunications services involving any city, town or political subdivision. The proposed rules also explicitly provide for expedited proceedings before the Public Service Commission, and improve the accuracy and readability of the rules by renumbering certain provisions, and eliminating various typographical and grammatical errors and inconsistencies. Further, the proposed rules revise records retention and outage reporting requirements to modernize those requirements, coordinate them with federal reporting requirements, and provide a means for obtaining accurate and timely outage reports for events likely to affect public safety, and substitute current citations and references to statutes, rules and agencies for obsolete references

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for the provision of telecommunications services involving any city, town or political subdivision).

A copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at the Public Service Commission's offices located at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002, or on the Public Service Commission's website at <http://psc.state.wy.us/htdocs/TeleCommRuleRev.htm>.

Written comments presenting the views of any interested persons may be filed with the Public Service Commission at any time prior to **May 12, 2008**.

**A public hearing on the proposed rules has been scheduled to commence on May 15, 2008, at 9:00 a.m. at the Public Service Commission's hearing room located at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002.**

Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response stating the reasons for overruling consideration(s) against adoption must be made prior to, or within thirty (30) days after adoption of the rule, addressed to:

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Statement required by W.S. § 16-3-103(a)(i)(G): The proposed rule change meets minimum substantive state statutory requirements.

**WYOMING PUBLIC SERVICE COMMISSION**  
***Notice of Commission Activity***

**Thursday, April 10, 2008**

**9:00 a.m. (MDT)**

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**WYOMING PUBLIC SERVICE COMMISSION**  
**Regular Open Meeting Agenda**  
Items for Commission Attention

**Monday, April 14, 2008**  
**3:30 p.m.**

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**Please Note: Although the Commission will consider all of the items on this agenda, they may not be considered in the exact order listed below.**

1. Docket No. 90072-28-XO-08 (Record No. 11690) Funding requirement and proposed assessment factor for the July 2008 to June 2009 fiscal year of the Wyoming Universal Service Fund. Commission to discuss procedural issues. Commission advisory staff: Barbara Taylor-Iversen, Art Schmidt and Blair Bales. (No memo.)

**SET DATE AND TIME FOR NEXT OPEN MEETING**

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***Notice of Intent to Adopt Rules and Regulations***

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generally govern the regulation of telecommunications utilities, by establishing consistent guidelines, criteria, and standards for telecommunications related proceedings before the Public Service Commission, including proceedings related to exclusive agreements for the provision of telecommunications services involving any city, town or political subdivision. The proposed rules also explicitly provide for expedited proceedings before the Public Service Commission, and improve the accuracy and readability of the rules by renumbering certain provisions, and eliminating various typographical and grammatical errors and inconsistencies. Further, the proposed rules revise records retention and outage reporting requirements to modernize those requirements, coordinate them with federal reporting requirements, and provide a means for obtaining accurate and timely outage reports for events likely to affect public safety, and substitute current citations and references to statutes, rules and agencies for obsolete references

The Public Service Commission is proposing revisions of the following section of its Procedural Rules and Special Regulations: Sections 102, 500, 501, 503, 504, 506, 517, 518, 519, 520, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545 and 901.

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## **Cheyenne, WY 82002**

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These rules are not adopted, amended or repealed to comply with federal law or regulatory requirements.

Statement required by W.S. § 16-3-103(a)(i)(G): The proposed rule change meets minimum substantive state statutory requirements.

**WYOMING PUBLIC SERVICE COMMISSION**  
**Corrected Regular Open Meeting Agenda**  
Items for Commission Attention

**Thursday, April 17, 2008**  
**1:30 p.m.**

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**Please Note: Although the Commission will consider all of the items on this agenda, they may not be considered in the exact order listed below.**

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**CONSENT AGENDA ITEMS**

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1. Docket No. 20000-322-EA-08 (Record No. 11712) Application of Rocky Mountain Power for approval of an accounting order to establish a regulatory asset and a motion for a protective order. Commission to consider and act on the company's Motion for a Protective Order. Commission advisory staff: Steve Mink and Marci Norby. (No memo; see attached Motion and Proposed Protective Order.)
2. Docket Nos. 70000-1371-TK-08 (Record No. 11660) Contract filing of Qwest Corporation for authority to enter into an unbundled network elements, ancillary services and resale connection agreement with Bandwith.com CLEC, LLC. Commission advisory staff: Barbara Iversen and Vicky Hansen. (See memo dated April 15, 2008.)

**REGULAR AGENDA ITEMS**

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1. Docket No. 20000-318-EA-08 (Record No. 11638) Application of Rocky Mountain Power for a certificate of public convenience and necessity for construction of a new 19.5 MW Seven Mile Hill II wind project. Commission to consider and act on the company's application and Petition for Confidential Treatment of certain information provided in support of the application. Mr. Mark Tallman of PacifiCorp will appear in person. Commission advisory staff: Marci Norby, Dave Walker and Dave Lucero (see memo dated April 15, 2008).
2. Docket No. 70043-18-TA-07 (Record No. 11581) Application of Level 3 Communications, LLC, for a certificate for public convenience and necessity to provide local exchange services. Commission to consider and act on the joint Petition to Intervene filed by several telecommunications companies. Alex Davison will appear representing

Level 3, and Bruce Asay will appear representing the prospective intervenors. Commission advisory staff: Art Schmidt and Steve Mink. (No memo; see attached Petition and Responses.)

3. Docket No. 30022-107-GI-08 (Record No. 11610) Investigation, upon the Commission's own motion, of the billing practices and procedures of SourceGas Distribution, LLC, and the impact on its customers. Commission to receive an update from SourceGas representatives about problems related to the Company's billing system and associated issues. Commission advisory staff: Marchia Johansen, Shirley McCown, Steve Mink and Chris Petrie. (No memo.)
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**Christopher Petrie, Chief Counsel  
Public Service Commission of Wyoming  
2515 Warren Avenue, Suite 300  
Cheyenne, WY 82002**

These are **New Rules** (i.e., these are the first set of rules to be promulgated by the agency after the Legislature's adoption of a new statutory provision or an act significantly amending an

existing statute. A new rule is one that is promulgated in direct response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules or the repeal or amendment of an existing rule.)

The specific legislation resulting in promulgation of these rules is: 2007 Wyoming Session Law Chapters 118 (Senate File 80) and 142 (Senate file 78), which amended W.S. § 37-15-101 through 37-15-502, thus revising the provisions Wyoming Telecommunications Act of 1995.

These rules are not adopted, amended or repealed to comply with federal law or regulatory requirements.

Statement required by W.S. § 16-3-103(a)(i)(G): The proposed rule change meets minimum substantive state statutory requirements.

**WYOMING PUBLIC SERVICE COMMISSION**  
**Corrected Regular Open Meeting Agenda**  
Items for Commission Attention

**Tuesday, April 22, 2008**  
**1:30 p.m.**

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**Please Note: Although the Commission will consider all of the items on this agenda, they may not be considered in the exact order listed below.**

Copies of Commission advisory staff memos mentioned in this agenda may be obtained on request from Debbie McFerrin at 307-777-7427 or [dmcfer@state.wy.us](mailto:dmcfer@state.wy.us)

**CONSENT AGENDA ITEMS**

Items on this list are deemed to be routine matters not requiring formal presentations and will be considered and voted on as a group by the Commission. Items may be removed from this list by a Commissioner or by the Commission at the request of another interested person. Any item removed from this list will be considered as a regular open meeting item and may be tabled if necessary to allow for full review at a later open meeting. Requests from interested parties for removal of an item from the consent agenda prior to the hearing are encouraged.

1. Docket Nos. 70000-1370-TK-08 and 70033-25-TK-08 (Record No. 11659) Joint application of Qwest Corporation and 1-800-Reconex, Inc. d/b/a USTel for the State of Wyoming, for Commission authority to enter into a Rate Update Amendment to a Wireline Interconnection Agreement. Commission advisory staff: Luy Luong and Victoria Hansen. (See Memo dated April 18, 2008.)
2. Docket No. 30022-111-GA-08 (Record No. 11662) Application of SourceGas Distribution, LLC, for authority to abandon natural gas service to eight customers and eleven premises in the Shoshoni area in Fremont County, Wyoming. Commission to consider issuance of a Special Order authorizing one commissioner or hearing examiner to conduct public hearing. Commission advisory staff: Chris Petrie and Vicki Hansen. (No memo.)

**REGULAR AGENDA ITEMS**

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1. Docket No. 30018-37-GR-08 (Record No. 11628) Application of Lower Valley Energy, Inc. for approval of an overall net general rate increase of approximately \$27,439 per year for retail propane utility service in Wyoming. Commission to consider issuing an order on interim or final rates. Mr. Michael McBride will appear on behalf of Lower Valley. Commission advisory staff: Jess Bottom and Vicky Hansen. (See memo dated April 15, 2008.)
2. Docket No. 10003-27-CT-08 (Record No. 11656) Application of Garland Light & Power Co. for authority to change the rules and regulations for the sale of electric energy to its member-consumers served or to be served in the town of Ralston, Wyoming and within

the rural areas of Park and Big Horn counties. Commission to consider and act on application. Ms. Mary Ann Keeler will participate via telephone on behalf of Garland. Commission advisory staff: Don Biedermann and Vicky Hansen. (See memo dated April 17, 2008.)

3. Docket No. 20000-311-ET-07 (Record No. 11583) Application of Rocky Mountain Power to revise Line Extension Rule 12. Commission to consider and act on the application. Mr. Dave Mosier will appear on behalf of Rocky Mountain Power. Commission advisory staff: Don Biedermann and Vicky Hansen. (See memo dated April 17, 2007.)

### **Set Date and Time for Next Open Meeting**

Find more information on the Commission's web site at <http://psc.state.wy.us>:

- for the latest open meeting agenda, see Current Open Meeting Agenda;
- for upcoming meetings, hearings and other activities, see Commission Calendar.

### ***Notice of Intent to Adopt Rules and Regulations***

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Docket No. 90000-101-XO-08 (Record No. 11651) Proposed Adoption of Chapter 1, Rules of Practice and Procedure, Sections 102 and 122; Chapter 5, Special Regulations – Telephone Utilities Only, Sections 500-504, 506, 517 and 547; and Chapter 9, General Forms, Section 901(j), of the Commission's Procedural rules and Special Regulations.

**For additional information, contact Christopher Petrie, at (307) 777-5763**

The 2007 Wyoming Session Law Chapters 118 and 142 were enacted and became effective July 1, 2007. Significant aspects of the statutory framework governing the regulation of telecommunications utilities, which had been in place since 1995, were altered by the passage of these laws. These rules are proposed to implement the Wyoming Legislature's intent to recognize competition in certain markets, to establish appropriate methods by which telecommunications providers may obtain a Commission determination that effective competition exists, and generally to regulate telecommunications utilities in a manner that encourages the further development of competition consistent with the interests of telecommunications consumers.

These proposed new rules, including revisions to existing sections of Chapters I, V and IX of the Public Service Commission's Procedural Rules and Special Regulations would conform the Rules of Practice and Procedure with the Wyoming Telecommunications Act, which generally govern the regulation of telecommunications utilities, by establishing consistent guidelines, criteria, and standards for telecommunications related proceedings before the Public Service Commission, including proceedings related to exclusive agreements for the provision of telecommunications services involving any city, town or political subdivision. The proposed rules also explicitly provide for expedited proceedings before the Public Service Commission, and improve the accuracy and readability of the rules by renumbering certain provisions, and eliminating various typographical and grammatical errors and inconsistencies. Further, the proposed rules revise records retention and outage reporting requirements to modernize those

requirements, coordinate them with federal reporting requirements, and provide a means for obtaining accurate and timely outage reports for events likely to affect public safety, and substitute current citations and references to statutes, rules and agencies for obsolete references

The Public Service Commission is proposing revisions of the following section of its Procedural Rules and Special Regulations: Sections 102, 500, 501, 503, 504, 506, 517, 518, 519, 520, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545 and 901.

The Public Service Commission is proposing the repeal of the following section of its Procedural Rules and Special Regulations: Sections 521, 522 and 546.

The Public Service Commission proposes the adoption of the following new sections of its Procedural Rules and Special Regulations: Sections 122 (providing for expedited proceedings), and 547 (providing for the conduct of proceedings related to exclusive agreements for the provision of telecommunications services involving any city, town or political subdivision).

A copy of the proposed rules in a format that clearly indicates additions to and deletions from existing language may be obtained at the Public Service Commission's offices located at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002, or on the Public Service Commission's website at <http://psc.state.wy.us/htdocs/TeleCommRuleRev.htm>.

Written comments presenting the views of any interested persons may be filed with the Public Service Commission at any time prior to **May 12, 2008**.

**A public hearing on the proposed rules has been scheduled to commence on May 15, 2008, at 9:00 a.m. at the Public Service Commission's hearing room located at 2515 Warren Avenue, Suite 300, Cheyenne, Wyoming 82002.**

Any person may urge the agency not to adopt the rules and also request the agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response stating the reasons for overruling consideration(s) against adoption must be made prior to, or within thirty (30) days after adoption of the rule, addressed to:

**Christopher Petrie, Chief Counsel  
Public Service Commission of Wyoming  
2515 Warren Avenue, Suite 300  
Cheyenne, WY 82002**

These are **New Rules** (i.e., these are the first set of rules to be promulgated by the agency after the Legislature's adoption of a new statutory provision or an act significantly amending an existing statute. A new rule is one that is promulgated in direct response to, or that is mandated by, the enacted statute and may involve creation of an entirely new provision in the agency's rules or the repeal or amendment of an existing rule.)

The specific legislation resulting in promulgation of these rules is: 2007 Wyoming Session Law Chapters 118 (Senate File 80) and 142 (Senate file 78), which amended W.S. § 37-

15- 101 through 37-15-502, thus revising the provisions Wyoming Telecommunications Act of 1995.

These rules are not adopted, amended or repealed to comply with federal law or regulatory requirements.

Statement required by W.S. § 16-3-103(a)(i)(G): The proposed rule change meets minimum substantive state statutory requirements.

**WYOMING PUBLIC SERVICE COMMISSION**  
**Corrected Regular Open Meeting Agenda**  
Items for Commission Attention

**Tuesday, April 29, 2008**  
**9:30 a.m.**

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**Please Note: Although the Commission will consider all of the items on this agenda, they may not be considered in the exact order listed below.**

Copies of Commission advisory staff memos mentioned in this agenda may be obtained on request from Debbie McFerrin at 307-777-7427 or [dmcfer@state.wy.us](mailto:dmcfer@state.wy.us)

**CONSENT AGENDA ITEMS**

Items on this list are deemed to be routine matters not requiring formal presentations and will be considered and voted on as a group by the Commission. Items may be removed from this list by a Commissioner or by the Commission at the request of another interested person. Any item removed from this list will be considered as a regular open meeting item and may be tabled if necessary to allow for full review at a later open meeting. Requests from interested parties for removal of an item from the consent agenda prior to the hearing are encouraged.

1. Commission to consider issuing a Special Order Authorizing One Commissioner or Hearing Examiner in the following dockets:
  - a. Docket No. 90072-27-XO-07 (Record No. 11122) Funding requirement and proposed assessment factor for the July 2007 to June 2008 fiscal year of the Wyoming Universal Service Fund (WUSF).
  - b. Docket No. 90072-28-XO-08 (Record No. 11690) Funding requirement and proposed assessment factor for the July 2008 to June 2009 fiscal year of the WUSF.  
Commission advisory staff: Art Schmidt, Barbara Iversen and Blair Bales. (No Memo.)
2. Docket No. 30018-39-GK-08 (Record No. 11720) Contract filing of Lower Valley Energy, Inc., for the Liquid Natural Gas Sales Agreement with ExxonMobil Gas and Power Marketing Company and Petition for Confidential Treatment. Commission to consider placing the contract in its confidential files and granting the Petition for Confidential Treatment. Commission advisory staff: Marci Norby and Blair Bales (See Memo dated April 23, 2008.)
3. Docket No. 30011-56-GK-08 (Record No. 11721) Contract filing of Energy West Wyoming, of its confidential contract. Commission to consider placing the contract in its confidential files and granting the Company's Petition for Confidential Treatment. Commission advisory staff: Marci Norby, Michelle Bohanan and Steve Mink (See Memo dated April 23, 2008; and the Company's Petition.)

4. Docket No. 90000-96-XI-07 (Record No. 11032) Commission's investigation on its own motion into the quality and reliability of telecommunications service provided by telecommunications companies providing service in and around the Lander-Riverton area, including Fort Washakie, Ethete, and the Wind River Indian Reservation and surrounding areas. Commission to consider Dubois Telephone Exchange Request for an Extension of Time to Comply with Order (Request). Commission Advisory Staff: Blair Bales and Art Schmidt. (No Memo. Please see attached Request.)

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### **REGULAR AGENDA ITEMS**

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1. Docket No. 70043-18-TA-07 (Record No. 11581). Application of Level 3 Communications, LLC, for a certificate for public convenience and necessity to provide local exchange services. Commission to consider and act on the application. Alex Davidson and other Level 3 representatives will be present to support the application. Commission Staff: Steve Mink and Art Schmidt (See Memo dated 04/18/08.)
2. Docket No. 30011-55-GP-08 (Record No. 11697). Amended application of Energy West Wyoming for authority to pass on a net wholesale gas increase of \$0.7106 per MCF. Commission to consider and act on the application. Company representatives will be present to support the application. Commission Staff: Steve Mink, Marci Norby and Michelle Bohanan (See Memo dated April 23, 2008.)
3. Docket No. 20000-323-EA-08; 10014-102-EA-08 (Record No. 11717). Petition of Rocky Mountain Power for approval of an amendment to the stipulation and agreement with Powder River Energy Corporation and Rio Tinto Energy America Inc., F/K/A Kennecott Energy Company. Commission to consider and act on the Petition. Commission staff: Darrell Zlomke and Steve Mink (See Memo dated April 23, 2008.)
4. Docket No. 20000-277-ER-07 (Record No. 11249) Application of Rocky Mountain Power for approval of a general rate increase of approximately \$36.1 million per year for retail electric utility service in Wyoming, and for approval of a new Renewable Resource Mechanism and Marginal Cost Pricing tariff. Commission to consider accepting the Company's compliance tariffs. Commission advisory staff: Marci Norby and Dave Lucero (See Memo dated April 24, 2008.)
5. Docket No. 30013-202-GP-08 (Record No. 11711) Application of Montana-Dakota Utilities Co. for authority to pass on a wholesale gas cost increase of \$0.431 per decatherm for Residential General Service, Small and Large Interruptible customers and increase of \$0.439 for Optional Seasonal customers. Commission to consider and act on Application and Petition for Confidential Treatment of Exhibit 3A. Rita Mulkern of MDU will appear by telephone. Commission advisory staff: Jess Bottom and Blair Bales. (See memo dated April 24, 2008.)

6. Docket No. 30013-201-GT-08 (Record 11688) In the matter of the application of Montana-Dakota Utilities Co. for approval of a Conservation Tracking Adjustment. Commission to consider and act on this application. Montana-Dakota Utilities Co. will be represented by Ms. Tamie Aberle, Pricing and Tariffs Manager, by phone. Commission Technical Staff: Don Biedermann & Dave Lucero. (See Memo dated April 25, 2008.)
7. Docket Nos. 70114-19-TA-08 and 700015-60-TA-08 (Record No. 11591). Application of Bresnan Broadband of Wyoming, LLC for a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in the areas presently served by RT Communications, Inc. and for recognition of status as a competitive carrier providing competitive services pursuant to W.S. §37-15-202(c). Commission to consider and act on application. Mr. Walter Eggers will appear on behalf of Bresnan. Commission advisory staff: Luy Luong and Vicky Hansen. (See memo dated April 22, 2008.)
8. Docket No. 20000-312-EC-08 (Record No. 11608). In the matter of the complaint filing by Chris Dalley of Grass Valley Subdivision, against Rocky Mountain Power, requesting a formal hearing regarding the move of electrical facilities. Commission to consider and act on the Joint Motion for Continuance. Mr. Jordan White for Rocky Mountain Power and Mr. Chris Dalley of Grass Valley Subdivision will participate by telephone. Commission advisory staff: Don Biedermann, Dave Walker and Vicky Hansen. (See Joint Motion for Continuance filed April 24, 2008.)

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Statement required by W.S. § 16-3-103(a)(i)(G): The proposed rule change meets minimum substantive state statutory requirements.

***WYOMING PUBLIC SERVICE COMMISSION***  
***Notice of Public Hearing***

**Wednesday, April 30, 2008**  
**1:30 p.m.**

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Docket No. 90072-27-XO-07 (Record No. 11122) The funding requirement and proposed assessment factor for the July 2007 - June 2008 fiscal year of the Wyoming Universal Service Fund. In this continued hearing from May 11, 2007, the Commission to consider requested information from AT&T of the Mountain States, Inc., Bresnan Broadband of Wyoming, LLC, and McLeodUSA Telecommunication Services, Inc. and approval of the statewide average, 130% benchmark, and assessment on a final basis.

Commission Advisory Staff: Blair Bales, Barbara Iversen and Art Schmidt. (No Memo.)