

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING
Minutes of Regular Open Meeting

Tuesday, August 4, 2009
1:30 p.m.

Commissioners: Chairman Alan B. Minier, presiding
Commissioner Kathleen A. "Cindy" Lewis

Bruce Asay, local counsel for Montana-Dakota Utilities Co.
Rita Mulkern, Montana-Dakota Utilities Co. (by telephone)

Commission Advisory Staff (CAS): Michelle Bohanan, Victoria Hansen,
Dave Lucero, Marci Norby, Tom Wilson

CONSENT AGENDA ITEMS

1. **Docket No. 70122-4-TA-09 (Record No. 12075) Letter application of Impact Telecom LLC for authority to cancel their certificate of public convenience and necessity to provide local exchange telecommunications services in the state of Wyoming. Commission to act on application.**

2. **Docket No. 90000-108-XO-09 (Record No. 12111) Proposed revisions for housekeeping purposes to certain sections of the Wyoming Public Service Commission's Rules. Commission to consider issuing a Special Order authorizing one Commissioner and/or hearing examiner to conduct public hearing.**

Chairman Minier introduced the consent agenda items. There were no questions, comments or requests to withdraw an item for further consideration. Dave Lucero, Commission Counsel, recommended approval of Item 1 by Order only, effective immediately, and issuance of the Special Order in Item 2. Commissioner Lewis moved to act as recommended, and Chairman Minier seconded the motion.

REGULAR AGENDA ITEMS

1. **Docket No. 30013-220-GP-09 (Record No. 12212) Amended application of Montana-Dakota Utilities Co. (MDU) for authority to pass on a wholesale gas cost increase of \$0.142 per Dth for residential, firm general and interruptible customers and a wholesale gas cost increase of \$0.137 per Dth for seasonal firm customers. Commission to consider amended application, petition for confidential treatment and Rate 88 tariff revisions.** Michelle Bohanan, CAS, provided a technical memo dated July 31, 2009. Rita Mulkern of MDU said the requested change is due to an increase in the wholesale cost of gas and does not raise the company's rate of return. Bruce Asay, local counsel for MDU, said the company filed an amended application in July in which the concerns of Commission staff regarding MDU's gross-up methodology were addressed. Mr. Asay said the company indicated in the amended application that

adjustments would be made in July and August if the proposed methodology is approved. Ms. Bohanan reviewed her concerns, particularly the inclusion of the annual utility assessment in the gross-up calculation and the fact that it appears this calculation has been used for quite a long period of time. The Commission agreed the calculation used in the amended application was appropriate but said a separate hearing should be held to determine the long-term effect and corrective action needed for prior periods. Dave Lucero, Commission Counsel, recommended approval of the pass-on request, tariff revisions and the petition for confidential treatment on an interim basis by Notice and Order, effective immediately, for usage on and after August 4, 2009. Commissioner Lewis moved to act as recommended with the Order to note the requirement for a separate hearing on the outstanding issues. Mr. Lucero then pointed out that MDU has not filed its purchase contracts as required by the Commission. Mr. Asay suggested, due to the nature of the purchasing methods used, filing contracts for the company's five largest suppliers and a sample contract for the daily transaction type contracts. Mr. Lucero requested these be filed in a separate docket for staff review and Commission consideration. Commissioner Lewis moved to incorporate this request into the above Notice and Order, and Chairman Minier seconded the motion.

Next Regular Open Meeting: Thursday, August 6, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 3rd day of November 2009.

Alan B. Minier, Chairman

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING
Minutes of Regular Open Meeting

Monday, August 10, 2009
1:30 p.m.

Commissioners: Chairman Alan B. Minier, presiding
Commissioner Kathleen A. "Cindy" Lewis

Corey Jackson, local counsel for TCT West
Jeff Slater, Broadvox-CLEC, LLC (by telephone)

Commission Advisory Staff (CAS): Victoria Hansen, Steve Mink, Tom Wilson

CONSENT AGENDA ITEMS

1. **Docket Nos. 70014-25-TK-09 and 70106-10-TK-09 (Record No. 12175) Contract filing of TCT West, Inc., for authority to enter into a traffic exchange agreement with IDT America Corp. Commission to consider and act on agreement.**
2. **Undocketed. Open Meeting Minutes for review by the Commission for the Regular Open Meetings of March 27, May 7, 8, 13 and 15, 2009.**

Chairman Minier introduced the consent agenda item. There were no comments, questions or requests to withdraw the item for further discussion. Steve Mink, Commission Counsel, recommended approval of Item 1 by Order only, effective immediately. Commissioner Lewis moved to act as recommended, and Chairman Minier seconded the motion. Commissioner Lewis then moved to approve the open meeting minutes listed in Item 2 as submitted, and Chairman Minier seconded the motion.

REGULAR AGENDA ITEMS

1. **Docket No. 70214-1-TA-09 (Record No. 12130) Application of Broadvox-CLEC, LLC, for a certificate of public convenience and necessity to provide local telecommunications services in Wyoming. Commission to consider and act on the application and accompanying petition for confidential treatment.** Tom Wilson, CAS, provided a technical memo dated July 30, 2009. Jeff Slater, President of Broadvox-CLEC, LLC, said the company would provide local exchange services primarily to business customers. Mr. Slater said the company does not currently provide services but hopes to roll out its product within the next 90-120 days after all interconnection agreements have been finalized. Mr. Wilson provided the Commission with an updated financial report from 2008, and he said the company meets the statutory requirements and has responded satisfactorily to all staff questions regarding the application. There were no further comments or questions. Mr. Wilson recommended approval of the application and of the petition for confidential treatment by Order only, effective immediately.

Commissioner Lewis moved to act as requested, and Chairman Minier seconded the motion.

Next Regular Open Meeting: Thursday, August 6, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 10th day of November 2009.

Alan B. Minier, Chairman

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING
Minutes of Regular Open Meeting

Tuesday, August 25, 2009
1:30 p.m.

Commissioners: Deputy Chairman Steve Oxley, presiding
Commissioner Kathleen A. "Cindy" Lewis

Mary Anderson, Beartooth Electric Cooperative, Inc. (by telephone)
Jeff Hubbard, Qwest Corporation (by telephone)
Judy Lambert, C. H. Guernsey (by telephone)
Mike Plymale, Beartooth Electric Cooperative, Inc. (by telephone)
Ron Roodell, Beartooth Electric Cooperative, Inc. (by telephone)
Jeff Umphlett, General Manager, Big Horn Rural Electric Company (by telephone)

Commission Advisory Staff (CAS): Blair Bales, Don Biedermann,
Michelle Bohanan, Dave Lucero, Tom Wilson

CONSENT AGENDA ITEMS

1. Undocketed. Open Meeting Minutes for review by the Commission for the Regular Open Meetings of May 26, May 29, June 2 and June 4, 2009.

Deputy Chairman Oxley introduced the consent agenda item. Commissioner Lewis moved to approve the open meeting minutes listed in Item 1 as submitted, and Deputy Chairman Oxley seconded the motion.

REGULAR AGENDA ITEMS

- 1. Docket No. 10017-17-EP-09 (Record No. 12196) Amended application of Beartooth Electric Cooperative, Inc., Red Lodge, Montana, for authority to pass on \$57,204 per annum in increased wholesale power costs to its member consumers served or to be served in Park County, Wyoming. Commission to consider and act on application.** Michelle Bohanan, CAS, provided a technical memo dated August 21, 2009. Mr. Ronald Roodell, Beartooth's General Manager, Ms. Mary Anderson, Beartooth's Director of Finance, Mr. Mike Plymale, Beartooth Board Member, and Ms. Judy Lambert of C. H. Guernsey & Company appeared by telephone on behalf of the Company. Mr. Roodell described Beartooth's rate issues including three Southern Montana wholesale power cost increases, the corrections to the original application and the unbilled transmission loss charges. Mr. Roodell stated that no disallowed plant costs were included in the pass-on filing. Ms. Anderson stated that manually pro-rating bills to reflect an August 25, 2009, effective date would require an additional reading of all meters and therefore an increase in administrative and meter reading costs. There were no further comments or questions. Mr. Dave Lucero, Commission Counsel,

recommended approval of the amended application by Notice and Order effective August 20, 2009. Commissioner Lewis moved to act as recommended, and Deputy Chairman Oxley seconded the motion.

2. **Docket No. 10019-47-CS-09 (Record No. 12257) Application of Big Horn Rural Electric Company for authority to borrow \$6,650,000 from the Rural Utilities Service (RUS) relative to an "AA42 Loan." Commission to consider and act on application.** Don Biedermann, CAS, provided a technical memo dated August 21, 2009. Mr. Jeff Umphlett, Big Horn's General Manager, participated by telephone and summarized the application, stating the RUS loan has a term of 35 years with an interest rate of 5% per annum. It is meant to improve service capabilities to its members. There were no further comments or questions. Mr. Don Biedermann, CAS, recommended approval of the application by order only, effective immediately. Commissioner Lewis moved to act as recommended, and Deputy Chairman Oxley seconded the motion.
3. **Docket No. 90000-104-XI-08 (Record No. 11698) Commission's investigation on its own motion into the quality and reliability of telecommunications service provided by telecommunications companies providing service in the State of Wyoming. Commission to consider issuance of an administrative subpoena requiring Qwest Corporation to produce billing statements and related information for 19 customers in the Beulah, Wyoming, area.** Mr. Chris Petrie, Commission Chief Counsel, reminded the Commission of its request to receive copies of the Beulah customer's bills over the last two years. Mr. Petrie stated there are provisions of federal law that restrict the release of this type of confidential information. Mr. Jeff Hubbard, Regulatory Affairs Manager for Qwest Corporation, appeared via telephone stating the information contained in the bills is confidential in nature; and, since the customers did not waive or give permission to release the information, a subpoena would be welcomed. Mr. Petrie recommended the issuance of a subpoena to Qwest Corporation asking that the Company produce the bills of 19 Beulah customers. Commissioner Lewis moved to act as recommended, and Deputy Chairman Oxley seconded the motion. Mr. Hubbard agreed to accept service of the subpoena by facsimile.

Next Regular Open Meeting: Thursday, August 27, 2009, at 1:30 p.m.

Prepared by: Angie Elliott

ACCEPTED and APPROVED by the Commission on the 3rd day of December 2009.

Alan B. Minier, Chairman