

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

Thursday, January 3, 2008

1:30 p.m.

Attendees

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

Bruce Asay, counsel for Pinedale Natural Gas, Inc., and Energy West Wyoming

Michael Fox, RT Communications, Inc.

Patrick Harrington, counsel for Idaho Power Company (by telephone)

David Hedrick of C. H. Guernsey & Co., for Wyrulec Company (by telephone)

Jed Henthorne, Energy West Wyoming (by telephone)

Jeff Hubbard, Qwest Corporation

Don Jackson, Tri-County Telephone Association/TCT West

Edie Ortega, CenturyTel of Wyoming, Inc.

Alison Roberts, Powder River Energy Corporation (by telephone)

Jim Roberts, Embarq Communications (by telephone)

Steve Shute, Pinedale Natural Gas, Inc. (by telephone)

Office of Consumer Advocate (OCA): Bryce Freeman, David McMullian, Ivan Williams, Tom Wilson, Amy Zamora

Commission Staff: Blair Bales, Jess Bottom, Mike Korber, Dave Lucero, Luy Luong, Steve Mink, Marci Norby, Chris Petrie, Barbara Taylor-Iversen

CONSENT AGENDA ITEM

- 1. Docket No. 30011-50-GP-07 (Record No. 11132) Application of Energy West Wyoming for authority to pass on a net wholesale gas increase of \$0.4165 per mcf. Commission to consider issuance of an order authorizing a single commissioner or hearing examiner to conduct public hearing.** Chairman Lewis introduced the consent agenda item and asked if there were any requests to withdraw the item for further consideration. There were no such requests nor any comments or questions. Chris Petrie, Commission Chief Counsel, recommended issuance of the order as requested. Deputy Chairman Oxley moved to take action as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

REGULAR AGENDA ITEMS

1. **Docket No. 30011-54-GS-07 (Record No. 11559) Energy West Incorporated, d/b/a Energy West Wyoming (Energy West), has filed for authority to issue common stock in the form of a 3-for-2 stock split.** Luy Luong, Commission Advisory Staff (CAS), provided a technical memo dated December 28, 2007. Jed Henthorne of Energy West said the proposed stock split is in the public interest as the increase in the number of shares available should make the stock more appealing to investors. He said the action would be taken as quickly as possible if approved, and he believes the transaction meets the financial requirements of statute. There were no further comments or questions. Mr. Luong recommended approval of the request by Order only, effective immediately. Deputy Chairman Oxley moved to take action as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

2. **Docket No. 30016-40-GP-06 (Record No. 10390) Application of Pinedale Natural Gas, Inc. (Pinedale), for authority to pass on a wholesale gas decrease of \$1.98 per mmbtu through its commodity balancing account. Commission to consider approving rates on a final basis.** Jess Bottom, CAS, provided a technical memo dated December 28, 2007. Bruce Asay, counsel for Pinedale, said the application was approved on an interim basis pending submission of an approved tariff. Mr. Asay said the tariff has now been filed, and the company is requesting final approval of the application. Ivan Williams, OCA, said the issues which resulted in their intervention have been resolved, and the OCA has no objection to final approval of the rates. There were no further comments or questions. Blair Bales, Commission Counsel, recommended the application be approved on a final basis by Order only, effective immediately, and that the docket be closed. Deputy Chairman Oxley moved to take action as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

3. **Docket No. 30016-48-GA-07 (Record No. 11298) Application of Pinedale Natural Gas, Inc. (Pinedale), for authority to obtain an amended Certificate of Public Convenience and Necessity for expansion of the Pinedale certificated area.** Marci Norby and David Piroutek, CAS, provided a technical memo dated December 28, 2007. Bruce Asay, counsel for Pinedale, said this application is the result of the general rate case docket, in which it was found the company had extended its facilities beyond its certificated territory. In that docket the Commission instructed Pinedale to file an application requesting a certificate for the additional area. Mr. Asay said the resulting application also includes area in which it is believed future service may be needed, including areas of growth around the airport. There were no further comments or questions. Blair Bales, Commission Counsel, recommended approval of the application with an Order to include a reminder to Pinedale to serve all customers within its area and to file for expansion of its certificated territory prior to serving customers outside its territory consistent with Docket 30016-GR-94-08 and the on-going rate case. Deputy Chairman Oxley moved to take action as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

4. **Docket No. 20005-31-ES-07 (Record No. 11558) Idaho Power Company application for authority to issue and sell up to \$350,000,000 of First Mortgage Bonds and/or unsecured debt securities.** Luy Luong, CAS, provided a technical memo dated December 28, 2007. Patrick Harrington, Idaho Power Company, said the application will allow the company to issue bonds in the form of medium-term notes. He said the securities would be issued when market conditions are best after approvals have been received from the Wyoming, Idaho and Oregon Commissions and the FCC. Mr. Harrington said that, although Idaho Power Company has no customers in Wyoming, it does own one third interest in the Jim Bridger Plant in Wyoming. There were no further comments or questions. Mr. Luong recommended approval of the application by Order only, effective immediately. Commissioner Byrnes moved to accept the recommendation, and Deputy Chairman Oxley seconded the motion. Chairman Lewis abstained as she was not present during most of the discussion on this item.

5. **Docket No. 10014-100-CP-07 (Record No. 11528) Application of Powder River Energy Corporation (PRECorp) for authority to adjust its cost of power adjustment (COPA) to reflect a net increase of \$8,135,334 per annum in wholesale power costs.** Marci Norby and Barbara Taylor-Iversen, CAS, provided a technical memo dated December 27, 2007. Alison Roberts, PRECorp, said the adjustment is due to an increase in costs by the company's wholesale provider, Basin Electric, with whom PRECorp has a contract through 2057—not 2050 as erroneously stated in the application. Ms. Norby said the monthly billing for an average customer would increase approximately 4.1%, and the company has submitted tariffs to reflect the changes. There were no further comments or questions. Ms. Norby recommended approval of the application by Notice and Order, effective immediately, for usage on and after January 10, 2008. Deputy Chairman moved to take action as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

6. **Docket No. 10016-49-CT-07 (Record No. 11474) Amended application of Wyrulec Company for notice of filing net metering service and avoided cost tariffs.** Marci Norby, CAS, provided a technical memo dated December 28, 2007. David Hedrick, consultant for Wyrulec Company, reviewed the changes made to the tariffs said that a few clerical errors remained, and noted that references to the A33 rate schedule should be replaced with the A34 schedule. Ms. Norby agreed some corrections were needed but said the overall tariff has been reviewed and is essentially in compliance with the Commission's Order. There were no further comments or questions. Chris Petrie, Commission Chief Counsel, recommended approval of the amended application with Notice and Order to be issued upon filing of corrected tariffs. After discussion on the best method for proceeding, Deputy Chairman Oxley moved to table the item until suitable tariffs have been submitted. He said the item could then be placed on an open meeting agenda for approval as a consent item if staff were satisfied with the corrections. Commissioner Byrnes seconded the motion to table, and Chairman Lewis concurred.

7. **Multiple Dockets**
 - a. **70042-11-TA-07 (Record No. 11348) WWC Holding Co., Inc., d/b/a Alltel Communications**

- b. **70000-1354-TA-07 (Record No. 11346) Qwest Corp.**
- c. **70008-45-TA-07 (Record No. 11362) Union Telephone Co., d/b/a Union Cellular**
- d. **70011-30-TA-07 (Record No. 11365) Tri County Telephone Association**
- e. **70014-22-TA-07 (Record No. 11355) TCT West**
- f. **70006-68-TA-07 (Record No. 11351) Silver Star Communications**
- g. **70006-69-TA-07 (Record No. 11352) Silver Star Communications**
- h. **70096-16-TA-07 (Record No. 11350) Advanced Communications Technology**
- i. **70009-297-TA-07 (Record No. 11356) United Telephone of the West, d/b/a Embarq Communications**
- j. **70015-59-TA-07 (Record No. 11363) RT Communications, Inc.**
- k. **70008-44-TA-07 (Record No. 11361) Union Telephone Co.**
- l. **70007-46-TA-07 (Record No. 11359) Dubois Telephone Exchange, Inc.**
- m. **70005-23-TA-07 (Record No. 11360) Chugwater Telephone Co.**
- n. **70104-18-TA-07 (Record No. 11345) VCI Company**
- o. **70003-114-TA-07 (Record No. 11344) CenturyTel of Wyoming, Inc.**
- p. **70001-63-TA-07 (Record No. 11349) Range Telephone Cooperative, Inc.**
- q. **70013-21-TA-07 (Record No. 11341) All West Communications**

Commission to (1) consider Wyoming Office of Consumer Advocate's Open Letter to All Local Exchange Telecommunications Carriers Participating in the 2007 ETC Certification Process dated December 21, 2007, which states that a document containing "high level summaries" of "confidential information for all companies . . . masked using white text" was sent to two companies involved in the 2007 ETC certification process; and (2) take any related action deemed necessary. Ivan Williams, OCA, explained the events which led up to the release of the confidential information which are provided in more detail in the OCA's referenced letter. He said OCA staff was in the process of making "public" versions of its comment document (which contained highly confidential information about each company) by changing the color of the font in which the confidential information was written from black to white in the electronic document, printing the pages and then manually scanning the documents to create .pdf files for release to the companies involved in the proceedings. During this process, two companies were sent electronic copies of the comment document in MS Word format; in this format it is a simple matter to highlight the white text and then be able to read it. The two companies were notified of the possible breach of confidentiality, and they stated the documents were destroyed after notification of the potential breach. Discussion then followed about how such activities damage the credibility of the entity responsible and how to prevent such events from re-occurring. OCA staff were reminded of the importance of safeguarding confidential material submitted by the companies, and the Commission stated that methods of protecting data will be investigated further. These may include software which converts documents to formats which are not alterable by readers, and the discouragement of combining multiple dockets in single documents will be discouraged as it increases the possibility of error. No further action was requested or taken.

8. **Undocketed. Pinedale Natural Gas, Inc.’s Notice of Compliance and Request for Approval regarding Commission Rule 223, General Record Keeping and Reporting, and Systems of Accounts. Commission to discuss this filing.** Bruce Asay, counsel for Pinedale, said this item is brought before the Commission for direction on how to file material showing compliance with the Commission’s Order in Pinedale’s rate case to use the USOA, as provided in Commission and FERC rules, for record keeping. Mr. Asay said the question is whether to treat the filing as compliance with the prior Order or to file a new application. Mr. Asay, Commission staff and the OCA all agreed the material submitted would be subject to similar review with either method. Blair Bales, Commission Counsel, however, stated her belief that this should be a separate application from the rate case in order to avoid any confusion. There were no further comments or questions. Ms. Bales recommended a separate application be made with a new docket number to allow for full review. Deputy Chairman Oxley moved to act as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

A full audio transcript is available upon request.

Next Open Meeting: Tuesday, January 8, 2008, at 9:00 a.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 14th day of March 2008.

Kathleen A. “Cindy” Lewis, Chairman

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

Tuesday, January 8, 2008

9:00 a.m.

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

Gary Collins, Arapaho Tribal Liaison, Wyoming Governor's Office
Michael Fox, RT Communications
Jeff Hubbard, Qwest Corporation (by telephone)
Don Jackson, TCT West, Inc.

Office of Consumer Advocate (OCA): Denise Parrish, Tom Wilson

Commission Staff: Blair Bales, Chris Petrie, Art Schmidt, Barbara Taylor-Iversen

1. **Undocketed: Commission to consider whether to commence a rulemaking proceeding to revise Section 500 (Telecommunications Universal Service Fund) of the Commission's Procedural Rules and Special Regulations in response to Qwest Corporation's proposals related to Docket No. 90000-96-XI-07 (Service Quality and Availability Investigation on the Commission's Own Motion) and comments received at the Commission's technical conference held on November 1, 2007. The proposed changes would allow Qwest to use federal Universal Service Fund (USF) money to cure certain service quality problems.** Comments on proposed actions were submitted by several attendees. Jeff Hubbard, Qwest Corporation, said the proposed changes would allow for upgrades to the facilities on Trout Creek, near Ft. Washakie, as soon as rights of way for the construction are acquired from the Bureau of Indian Affairs. Don Jackson, TCT West, Inc., said his company objects to use of USF monies for quality of service upgrades and repairs which need to be done in any event. He said allowing Qwest to use the funds in such a manner would subject customers of other companies to an unjust tax burden. Mr. Jackson continued by saying the USF rules are very specific as to how it is to be used, and he questioned the Commission's authority to institute rules which might change the manner USF monies are used. Denise Parrish, OCA, said her office is vehemently opposed to initiating a rulemaking proceeding as it is the OCA's belief that such costs are already included in the company's rates. Ms. Parrish stated her belief statutory revisions would be required to allow the changes proposed by Qwest Corporation. Michael Fox, RT Communications, also expressed opposition to the proposed rule changes, saying Qwest's proposal would use USF monies to rectify years of neglect which have resulted in quality of service problems. Mr. Fox said his company is not averse to changing some provisions of the rules on a going-forward basis but opposes using this method to correct old problems. The Commissioners agreed an

opportunity should be given for all parties to comment on any proposed rule changes and also agreed a general review of Rule 500 is merited. To this end, a technical conference was scheduled for January 22, 2008, at 9:00 a.m. for further discussion. Qwest Corporation was also asked to provide a status update and action plan for the Trout Creek area at an open meeting scheduled for January 22, 2008, at 1:30 p.m. Deputy Chairman Oxley moved to table any action on the proposed rulemaking until after the January 22 meetings. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

1:30 p.m.

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

Bud Becker, SourceGas LLC (by telephone)
Alissa Cain, Big Horn County Rural Electric Cooperative (by telephone)
Bill Meckling, SourceGas LLC (by telephone)
Casey Munter, Big Horn County Rural Electric Cooperative (by telephone)

Commission Staff: Blair Bales, Vicky Hansen, Dave Lucero, Luy Luong, Steve Mink, Barbara Taylor-Iversen

CONSENT AGENDA ITEMS

1. **Docket Nos. 70000-1362-TK-07 and 62016-2-TK-07 (Record No. 11524) Contract filing of Qwest Corporation for authority to enter into a Single Point of Presence (SPOP) amendment to the Type 2 wireless interconnect agreement with Cellular One f/k/a ALLTEL Communications, Inc., and WWC Holding Co., Inc.**
2. **Docket No. 20000-310-ET-07 (Record No. 11573) Tariff filing of Rocky Mountain Power for authority to revise their rules and regulations for housekeeping purposes.**

Chairman Lewis introduced the consent agenda items and asked if there were any requests to withdraw an item for further consideration. There were no such requests nor any further comments or questions. Vicky Hansen, Commission Counsel, recommended both items be approved by Order only, effective immediately. Deputy Chairman Oxley moved to take action as recommended, and Chairman Lewis seconded the motion.

REGULAR AGENDA ITEMS

1. **Docket No. 10018-14-CP-07 (Record No. 11555) Big Horn County Electric Cooperative, Inc., application to pass on an electric power cost increase of \$10,930.61 for its Wyoming customers. The proposed effective date is January 21, 2008.** Luy Luong, Commission Advisory Staff (CAS), provided a technical memo dated January 4, 2008. Casey Munter, Big Horn County Electric Cooperative, Inc., said the

application is to pass on an increase from its wholesale suppliers, Western Area Power Administration (WAPA) and Bonneville Power Administration (BPA). Mr. Luong said most of the cooperative's customers are in Montana with 284 in Sheridan County, Wyoming, representing approximately 6.85% of the energy sold. He said the increase would affect all classes of service. Mr. Munter responded to Commission questions regarding future anticipated increases, length of the current supply contracts and availability of conservation programs. There were no further comments or questions. Mr. Luong recommended approval of the application by Notice and Order, effective immediately and applicable to service rendered on and after January 21, 2008, based on the cooperative's billing cycle. Deputy Chairman Oxley moved to act as recommended, and Chairman Lewis seconded the motion.

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 Source Gas LLC. Commission to consider and act on SourceGas Distribution LLC's request for an extension of time to file its Colorado Cost Assignment and Allocation Manual (CAAM).** Bud Becker of Source Gas LLC said the stipulation relating to this docket anticipated completion and approval of the Colorado CAAM by the end of 2007 with subsequent filing of the Wyoming CAAM within 60 days of approval in Colorado. Mr. Becker said the process in Colorado is taking longer than anticipated and has resulted in the request for an extension until March 31, 2008, to file the Wyoming CAAM. There were no further comments or questions. Dave Lucero, Commission Counsel, recommended approval of the extension as requested by Letter Order to be signed by the attorney. Deputy Chairman Oxley moved to take action as recommended, effective immediately. Chairman Lewis concurred.

3. **Multiple Dockets. In the matter of the Commission, on its own motion, requiring the below-named companies to show cause why their certificates of public convenience and necessity or authorities should not be canceled due to noncompliance with Wyoming law. Commission to deliberate and consider issuing final orders in the following Show Cause Dockets.**

Public Service Commission (PSC)--Annual Report			
Docket No.	Company Name	Docket No.	Company Name
74615-3-TI-07	McGraw Communications, Inc.	74626-4-TI-07	Telewest IV, Inc.
70044-5-TI-07	Tel West Communications, Inc.	74649-3-TI-07	AmeriVon LLC
74177-4-TI-07	Preferred Carrier Services, Inc.	74657-3-TI-07	Yestel USA, Inc.
74604-6-TI-07	Yak Communications (America) Inc.	74661-2-TI-07	New Horizons Communications Corp
		80002-13-TI-07	Red Lane Domestic Water, Inc.
Department of Revenue (DOR)—Utility Assessment Report			
Docket No.	Company Name	Docket No.	Company Name

74206-TI-07	Least Cost Routing a/k/a Long Distance Charges		74239-2-TI-07	Buehner-Fry, Inc. d/b/a DirectDial USA
<u>PSC--Annual Report (Missing Oath and Verification Page Only)</u>				
Docket No.	Company Name		Docket No.	Company Name
50036-7-TI-07	Anschutz Wahsatch Gathering System, Inc.		74106-58-TI-07	Comtel Telecom Assets LP
70019-11-TI-07	Comtel Telecom Assets LP		74015-57-TI-07	Comtel Telecom Assets LP
70020-26-TI-07	Comtel Telecom Assets LP		74077-67-TI-07	Comtel Telecom Assets LP
70092-24-TI-07	Comtel Telecom Assets LP			
<u>PSC & DOR</u>				
Docket No.	Company Name		Docket No.	Company Name
70018-12-TI-07	Preferred Carrier Services, Inc		74635-2-TI-07	Telmex USA, LLC
74556-2-TI-07	ACCXX Communications, LLC {PSC—Missing Oath and Verification Page Only}			

Vicky Hansen, Commission Counsel, said a hearing was conducted on December 11, 2007, and, based on the evidence presented, she now requests the Commission issue Orders dismissing the show cause action against companies which have complied with the requirement to file annual reports. Ms. Hansen also requested the Commission issue Orders cancelling the certificates or authorities of those companies which still have not complied with the annual report or utility assessment report filing requirements. The companies still non-compliant with the report requirements are: McGraw Communications, Inc.; Tel West Communications, Inc.; Preferred Carrier Services, Inc. (two dockets); AmeriVon LLC; Least Cost Routing a/k/a Long Distance Charges; and ACCXX Communications, LLC. Yak Communications (America) Inc. has not filed an annual report, but did request cancellation of its certificate prior to the show cause hearing. Steve Mink, Commission Counsel, said Anschutz Wahsatch Gathering System, Inc., submitted the necessary report two days after the hearing to show cause was held. There were no further comments or questions. Deputy Chairman Oxley moved to revoke the authorities of McGraw Communications, Inc.; Tel West Communications, Inc.; Preferred Carrier Services, Inc. (two dockets); AmeriVon LLC; Least Cost Routing a/k/a Long Distance Charges; and ACCXX Communications, LLC; and moved that proceedings be dismissed against Yak Communications, Comtel Telecom Assets LP (six dockets), Yestel USA, Inc., New Horizons Communications Corporation, Red Lane Domestic Water, Inc., Buehner-Fry, Inc., and Telmex USA, LLC. Deputy Chairman Oxley further moved that proceedings against Anschutz Wahsatch Gathering System, Inc., be dismissed but that a letter be sent to the company admonishing the company for its failure to comply in a timely manner. Chairman Lewis seconded the motion for discussion purposes. It was then decided to issue the orders dismissing proceedings by Letter Order to be signed by the assigned attorneys and to have the revocation Orders signed by the Commission. Mr. Mink was asked to provide a draft of the letter to

Anschutz Wahsatch Gathering System, Inc., to Deputy Chairman Oxley for review.
Chairman Lewis then seconded the motion.

A full audio transcript is available upon request.

Next Open Meeting: Friday, January 11, 2008, at 9:00 a.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 14th day of March 2008.

Kathleen A. "Cindy" Lewis, Chairman

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

Minutes of Regular Open Meeting

Friday, January 11, 2008

9:00 a.m.

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

Bruce Asay, Associated Legal Group
Colleen Bell, Questar Gas Company (by telephone)
Melissa Grasmick, Hirst & Applegate
Tina Faust, Questar Gas Company (by telephone)
Brian Iverson, counsel for Black Hills Corporation
Barry McKay, Questar Gas Company (by telephone)
Dave Mosier, Rocky Mountain Power
Rita Mulkern, Montana-Dakota Utilities Company (by telephone)
Mark Stege, Cheyenne Light, Fuel and Power
Glen Watkins, Questar Gas Company (by telephone)

Office of Consumer Advocate (OCA): David McMullian

Commission Staff: Blair Bales, Don Biedermann, Steve Mink, Marci Norby, Chris Petrie, David Piroutek, Darrell Zlomke

CONSENT AGENDA ITEM

- 1. Docket Nos. 70009-302-TK-07 and 70116-9-TK-07 (Record No. 11541) United Telephone Company of the West, d/b/a Embarq, is requesting authority to enter into a master interconnection, collocation and resale agreement with BullsEye Telecom, Inc.** Chairman Lewis introduced the consent agenda item and asked if there were any requests to withdraw the item for further consideration. There were no such requests nor any further comments or questions. Luy Luong, Commission Advisory Staff (CAS), recommended approval of the request by Order only, effective immediately. Deputy Chairman Oxley moved to take action as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

REGULAR AGENDA ITEMS

- 1. Docket No. 30010-88-GA-07 (Record No. 11159) Filing by Questar Gas Company (Questar) of its Integrated Resource Plan (IRP) for plan year May 1, 2007, to April 30, 2008. Commission to discuss and act on IRP filing.** Barry McKay, Questar Gas Company, said the submission of the IRPs began in 1991 and are being filed on an annual basis. Mr. McKay said that, while he feels the IRPs are very useful and a helpful tool in

demonstrating the company's planning process for pass-on applications and in rate cases, Questar is not seeking to formalize the process. He responded to Commission questions regarding energy efficiency programs, demand-side management programs and potential impacts of volatile markets on the planning process. There were no further comments or questions. Chairman Lewis moved to issue a Letter Order closing the docket for this IRP and requesting that Questar continue to provide IRPs which would be analyzed by staff, provided to the public for comment, and reviewed by the company and staff in an open meeting to provide formal acknowledgement of the process. Commissioner Byrnes seconded the motion, and Deputy Chairman Oxley concurred.

2. **Docket No. 20000-275-EA-07 (Record No. 11200) Filing by PacifiCorp, d/b/a Rocky Mountain Power, of its 2007 Integrated Resource Plan (IRP). Commission to discuss and act on IRP filing.** Dave Mosier, Rocky Mountain Power, said the company is asking the Commission to do nothing with the IRP other than accept it as an informational document provided for use as the Commission wishes. Mr. Mosier provided information on Rocky Mountain Power's demand-side management and renewable energy programs and said company staff is currently working on a new process for developing future IRPs. Dave McMullian, OCA, said his office filed an intervention but does not wish to take any action at this time. Dave Lucero, Commission Counsel, asked if treating this IRP in a manner similar to Questar's would be appropriate or if the OCA would request any further response. Mr. McMullian said the OCA has no objections to any action the Commission might take at this time but neither does it wish to withdraw its request. Deputy Chairman Oxley moved to take action similar to that approved for Questar to continue a process of docketing and providing the IRP for public comment and staff review with no intent to approve or disapprove the document. On the recommendation of Dave Lucero, the Deputy Chairman further requested that the Letter Order also include a denial of the OCA request for further hearing and clarify that Rocky Mountain Power is not asking for any positive action or approval by the Commission. The motion was discussed and then seconded by Chairman Lewis and concurred in by Commissioner Byrnes.
3. **Undocketed: Commission to consider whether to separately docket and solicit public comment on the Integrated Resource Plan (IRP) filed by Black Hills Power in Docket No. 20002-69-EA-7 as support for its application for Certificate of Public Convenience and Necessity (CPCN) for the construction of WyGen III.** Brian Iverson, counsel for Black Hills Power, said the IRP was filed as part of the application for WyGen III primarily to demonstrate a need for new generation resources. Mr. Iverson said the company is not opposed to filing the IRP as a separate docket, but said it would still be needed as evidence for the CPCN application. He added the company's hope that any review of the IRP would not delay processing of that application. Dave McMullian, OCA, said his office also believes the IRP is essential to the CPCN application and, while welcoming an opportunity for public comment on the IRP, would also hope no delays would result from a separate filing. Chris Petrie, Commission Chief Counsel, said it is his belief the IRP may be of broader interest than this specific power plant and does not see a problem with providing an opportunity for public comment. There were no further comments or questions. Mr. Petrie recommended docketing and providing public notice of the IRP separately from the application for a CPCN, inviting public comments and

treating the IRP as decided in the previous two agenda items. Deputy Chairman Oxley moved to accept the recommendation. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

4. **Docket No. 30013-196-GP-07 (Record No. 11557) Montana-Dakota Utilities Company (MDU) application for authority to pass on a wholesale gas cost increase of \$1.717 per decatherm, and petition for confidential treatment of some supporting documents.** Don Biedermann, CAS, provided a technical memo dated January 4, 2008. Rita Mulkern of MDU said the proposed pass-on is the result of increases in the market price of gas and will not increase MDU's rate of return. Ms. Mulkern also requested confidential treatment be granted for Exhibit 3.a to the application. There were no further comments or questions. Mr. Biedermann recommended approval of the petition for confidential treatment and of the application by Notice and Order, effective immediately, for service rendered on and after January 11, 2008. Deputy Chairman Oxley moved to take action as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

A full audio transcript is available upon request.

Next Open Meeting: Tuesday, January 22, 2008, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 14th day of March 2008.

Kathleen A. "Cindy" Lewis, Chairman

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

Minutes of Regular Open Meeting

Thursday, January 17, 2008, at 1:30p.m.

Attendees

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

Roger Fransen, counsel for Qwest Corporation
John Sundahl, counsel for Black Hills Power
Dave Mosier, Rocky Mountain Power

Office of Consumer Advocate (OCA): Ivan Williams, David McMullian

Commission Staff: Blair Bales, David Lucero, Steve Mink, Marci Norby,
David Piroutek, Art Schmidt

CONSENT AGENDA FOR ROUTINE ACTION ITEMS

1. **Docket No. 20000-309-EA-07 (Record No. 11569) Application of Rocky Mountain Power, for a certificate of public convenience and necessity to construct the 99-MW Rolling Hills Wind Project in Converse County, Wyoming. Commission to consider and act on Rocky Mountain Power's Petition for Confidential Treatment.**
2. **Docket No. 20002-69-EA-07 (Record No. 11549) Application of Black Hills Power, Inc., for a certificate of public convenience and necessity for WyGen III, a 100-MW, coal-fired electric generation facility to be located in Gillette, Wyoming.**
 - a. **Commission to consider and act on Black Hills Power's Petition for Confidential Treatment, and**
 - b. **Commission to consider and act on Montana Dakota Utilities Company's Petition for Leave to Intervene.**

Chairman Lewis introduced the consent agenda items and asked if there were any requests to remove or withdraw an item for further consideration. There were no such requests or any further comments or questions. Steve Mink, Commission Counsel, recommended that Items 1 and 2 be approved by Order only, effective immediately. Deputy Chairman Oxley moved to take action as recommended by staff and Chairman Lewis seconded the motion.

REGULAR AGENDA ITEMS

- 1. Docket No. 20000-308-EA-07 (Record No. 11553) Application of Rocky Mountain Power (RMP) for approval of its customer's allocation agreement with Big Horn Rural Electric Company (Big Horn) and Bruce Quade.** Art Schmidt, Commission advisory staff (CAS), provided a technical memo dated December 20, 2007. Mr. Dave Mosier, Rocky Mountain Power, stated this matter is a load relinquishment agreement between RMP, Big Horn and Bruce Quade. In September of 2007, Mr. Quade contacted RMP and Big Horn regarding his new location which is much closer to the Big Horn transmission line. Both RMP and Big Horn agree that Mr. Quade would save approximately \$1,200 by connecting to Big Horn's line rather than RMP's. All three parties have agreed and a standard relinquishment agreement has been prepared. There were no further comments or questions. Mr. Steve Mink recommended approval of the application by Order only. Deputy Chairman Oxley moved to accept staff recommendations and Chairman Lewis seconded.

Docket No. 70000-1337-TT-07 (Record No. 11208) Tariff filing by Qwest Corporation for Commission approval to revise monthly Federal Universal Service Fund (FUSF) customer bill credits applicable for the twelve month period beginning July 1, 2007. Art Schmidt, CAS, provided a technical memo dated January 7, 2008. Mr. Roger Fransen appeared in person for Qwest Corporation and Mr. Jeff Hubbard appeared by telephone. Mr. Fransen stated that this matter is before the Commission on Qwest's tariff filing to adjust the USF zone credit to be effective July 1, 2007. He stated that this filing has previously been approved on an interim basis pending the outcome of an identical matter filed in 2006. An Order was issued on October 12, 2007, approving the 2006 filing; and Qwest is asking for approval of this filing on a permanent basis. Mr. Ivan Williams of the Office of Consumer Advocate stated that, because of the Commission's decision in the 2006 case, OCA would not participate in the instant matter. There were no further comments or questions. Mr. Art Schmidt recommended approval of the application by Order only effective immediately. Deputy Chairman Oxley moved to accept staff recommendations and Chairman Lewis seconded.

A full audio transcript is available upon request.

Next Open Meeting: Tuesday, January 22, 2007, at 1:30 p.m.

Prepared by: Angie Elliott.

ACCEPTED and APPROVED by the Commission on the 6th day of February, 2008.

Kathleen A. "Cindy" Lewis, Chairman

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

Tuesday, January 22, 2008

1:30 p.m.

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

Bruce Asay, counsel for Montana-Dakota Utilities Company
Alex Davison, counsel for Bandwidth.com CLEC, LLC
Danny Eyre, Bridger Valley Electric Association, Inc. (by telephone)
Roger Fransen, counsel for Qwest Corporation
Jeff Hubbard, Qwest Corporation
Rita Mulkern, Montana-Dakota Utilities Company (by telephone)
Jeff Umphlett, Big Horn Rural Electric Company (by telephone)

Office of Consumer Advocate (OCA): Denise Parrish

Commission Staff: Blair Bales, Don Biedermann, Dave Lucero, Luy Luong, Steve Mink, Marci Norby, Chris Petrie, Art Schmidt, Barbara Taylor-Iversen

CONSENT AGENDA ITEMS

1. **Docket No. 30013-197-GT-07 (Record No. 11561) Application of Montana-Dakota Utilities Company for authority to revise its Natural Gas Tariffs to comply with Commission Rule Section 241 regarding interest on consumer deposits. Commission to consider and act on application.**

2. **Docket No. 20004-70-ET-07 (Record No. 11560) Application of Montana-Dakota Utilities Company for authority to revise its Electric Tariffs to comply with Commission Rule Section 241 regarding interest on consumer deposits. Commission to consider and act on the tariff filing.**

3. **Docket No. 70109-4-TA-07 (Record No. 11580) Application of Computer Network Technology Corp. for approval of a transfer of Certificate of Public Convenience and Necessity to Bandwidth.com CLEC, LLC. Commission to consider and act on the application and the Petition for Confidential Treatment of Exhibits A and E.**

Chairman Lewis introduced the consent agenda items and asked if there were any requests to withdraw an item for further consideration. There were no such requests nor any questions or comments. Don Biedermann, Commission Advisory Staff (CAS),

recommended approval of the three items by Notice and Order, effective immediately, and granting of the Petition for Confidential Treatment in Item 3. Deputy Chairman Oxley moved to take action as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

REGULAR AGENDA ITEMS

- 1. Undocketed. Representatives of Qwest Corporation to present status report and action plan related to equipment and quality of services provided to customers on Trout Creek. This matter is related to Docket No. 90000-96-XI-07 (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).** Jeff Hubbard, Qwest Corporation, outlined the trouble calls received from the Trout Creek area since tracking began in January 2007. Mr. Hubbard also provided a summary of planned upgrades to the telephone system, but he said Qwest has encountered delays in obtaining rights of way for the needed construction work. He also said Qwest is awaiting a Commission ruling on the ability to use Universal Service Funds (USF) for these upgrades. The Commissioners expressed their understanding that Qwest was planning to go forward with the work regardless of the decision on use of USF monies. Roger Fransen, counsel for Qwest, said he would provide a letter within 10 working days to the Commission with a clarification of the planned upgrades and a status of the request for right of way along with a copy of the application submitted to the Bureau of Indian Affairs. Mr. Hubbard said work in the Crandall Valley area is nearly complete, and Qwest will provide an update in June or July on this area. There were no further comments or questions, and no further Commission action was taken at this time.

- 2. Docket No. 10013-38-PT-07 (Record No. 11565) Application of Bridger Valley Electric Association (BVEA), Inc., for authority to adopt a net metering tariff. Commission to determine whether to authorize BVEA to adopt a net metering tariff.** Don Biedermann, CAS, provided a technical memo dated January 16, 2008. Danny Eyre, BVEA, said the cooperative had previously drafted a net metering tariff but did not file it as such a tariff has not been needed. He said BVEA has now had an inquiry regarding net metering for use by a small wind generator. As a result, BVEA has now submitted and is requesting approval of the tariff. Mr. Biedermann said the proposed contract to be used contains safeguards for the customer and BVEA's linemen and complies with IEEE requirements and NEC standards. Mr. Eyre confirmed the contract would comply with the proposed tariff and contains safety standards. There were no further comments or questions. Mr. Biedermann recommended approval of the application by Notice and Order, effective immediately, and requested a blank copy of the proposed interconnection agreement contract be provided to the Commission. Deputy Chairman Oxley moved to act as recommended. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.

3. **Docket No. 10019-38-CK-08 (Record No. 11596) Confidential contract filing of Big Horn Rural Electric Company (BHREC) for authority to enter into a Distribution Service Agreement with the Municipal Energy Agency of Nebraska (MEAN). Commission to consider and act on the contract filing and the Petition for Confidential Treatment of Distribution Service Agreement with MEAN.** Luy Luong, CAS, provided a technical memo dated January 18, 2008. Jeff Umphlett of BHREC said the contract, which is for provision of electricity to the Town of Basin, includes a clause for confidentiality of the contract. The original request was to return all copies of the contract to BHREC after Commission action. After some discussion, Blair Bales, Commission Counsel, recommended a Letter Order be issued placing the confidential contract in the Commission files and granting the petition for confidential treatment. She said one complete copy could be kept in the Commission files, and the company should be directed to submit a redacted copy of the contract for retention in the public docket file. Deputy Chairman Oxley moved to take action as recommended and further moved that the Letter Order be signed by the attorney and contain language clarifying the requirement that any additional copies of the contract be destroyed. Commissioner Byrnes seconded the motion, and Chairman Lewis concurred.
4. **Docket No. 20004-71-EK-07 and 10018-15-E-07 (Record No. 11584) Application of Montana-Dakota Utilities Company (MDU) for approval of an agreement with Big Horn County Electric Cooperative, Inc. (Big Horn), and Mr. Sam Scott. Commission to consider and act on proposed service agreement by which MDU will be allowed to serve Mr. Scott in Big Horn's service territory.** Don Biedermann, CAS, provided a technical memo dated January 16, 2008. Bruce Asay, counsel for MDU, said Mr. Scott's property is divided by the two companies, but it would be more financially advantageous for the home to be served by MDU. The agreement reached would not change any certificated areas and is for provision of service only. The Commissioners asked if Mr. Scott was charged for estimates by the companies, and Mr. Asay said he did not know and would provide that information. There were no further comments or questions. Mr. Biedermann recommended approval of the application by Order only, effective immediately. Deputy Chairman Oxley moved to take action as recommended, and Commissioner Byrnes seconded the motion. Chairman Lewis concurred.
5. **Docket No. 30013-198-GP-08 (Record No. 11593) Application of Montana-Dakota Utilities (MDU) for authority to pass on a wholesale gas cost increase of \$1.051 per decatherm. Application includes a petition for confidential treatment of certain pricing documents. Commission to consider and act on petition for confidential treatment and authorization to implement pass-on increase requested to take effect February 1.** Don Biedermann, CAS, provided a technical memo dated January 14, 2008. Rita Mulkern of MDU said the application is for a monthly adjustment for February usage. She said that, although there has been a slight decrease in the market cost of gas, the weighted commodity cost has increased. The pass-on would not increase MDU's rate of return, and MDU is requesting confidential treatment of Exhibit 3.A to the application. There were no further comments or questions. Mr. Biedermann recommended approval of the application and of the petition for confidential treatment by Notice and Order, effective immediately, for usage on and after February 1, 2008. Deputy Chairman Oxley

moved to take action as recommended, and Commissioner Byrnes seconded the motion.
Chairman Lewis concurred.

A full audio transcript is available upon request.

Next Open Meeting: Thursday, January 24, 2008, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 28th day of March 2008.

Steve Oxley, Deputy Chairman

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

Thursday, January 24, 2008
1:30 p.m.

Commissioners: Deputy Chairman Steve Oxley, presiding
Commissioner Mary Byrnes

Liz Zerga, counsel for Yestel USA, Inc.

Commission Staff: Dave Lucero, Luy Luong

REGULAR AGENDA ITEMS

1. **Docket No. 74657-2-TA-07 (Record No. 11186) Commission to consider the amended application of Yestel USA, Inc., for a transfer of control from Mr. Robert Wu to TTUSA Acquisition, Inc.** Luy Luong, Commission Advisory Staff, presented a technical memo dated January 18, 2008. Liz Zerga, counsel for Yestel USA, Inc., said the company is a long distance service reseller with ten customers in Wyoming. She said the parent company is being acquired through a stock transaction, but there will be no change in registration information, and there will be no effect on the customers or any other utility. Mr. Luong said the original application was amended to provide required financial information and resolve *pro hac vice* issues. There were no further comments or questions. Dave Lucero, Commission Counsel, recommended approval of the application by Notice and Order, effective immediately, and clarified this transaction was initiated prior to the July 1, 2007, effective date of the new telecommunications legislation. Ms. Zerga said the company did choose to file the application under the former telecommunications statute to be cautious. Mr. Lucero said public notice is required as no prior notice has been provided of the amended application. Deputy Chairman Oxley moved to take action as recommended and to include in the Order an explanation describing the situation and reflecting appreciation of the company's caution in requesting approval. Commissioner Byrnes seconded the motion.

A full audio transcript is available upon request.

Next Open Meeting: Friday, February 1, 2008, at 1:00 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 28th day of March, 2008.

Steve Oxley, Deputy Chairman

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

Minutes of Regular Open Meeting

Wednesday, January 30, 2008, at 1:30 p.m.

Attendees

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

Bud Becker, counsel for SourceGas Distribution, LLC
Stacie Dykema, Cheyenne Light, Fuel and Power Company
Walter Eggers, counsel for Bresnan Broadband of Wyoming
Filomena Gogle, SourceGas Distribution, LLC
Kenna Hagan, Cheyenne Light, Fuel and Power Company
Paul Hickey, counsel for SourceGas Distribution, LLC
Dana Hoyle, Matrix Telecom, Inc. (by phone)
Brian Iverson, Cheyenne Light, Fuel and Power Company
Megan Lee, Casper Star-Tribune (by telephone)
Len Mize, SourceGas Distribution LLC
Ann Robinson, Casper resident
John Sundahl, counsel for Cheyenne Light, Fuel and Power Company
Brad Van Dyke, SourceGas Distribution, LLC
Helen Wells, SourceGas Distribution, LLC
Shannon Anderson, organizer, Powder River Basin Resource Council

Office of Consumer Advocate (OCA): David McMullian, Ivan Williams,
Tom Wilson

Commission Advisory Staff (CAS): Blair Bales, Sharon Bennett, Vicky Hansen, Marchia Johansen, Mike Korber, Dave Lucero, Shirley McCown, Steve Mink, Marci Norby, Chris Petrie, David Piroutek, Barbara Taylor-Iverson, Darrell Zlomke

CONSENT AGENDA FOR ROUTINE ACTION ITEMS

- 1. Docket Nos. 70009-303-TK-07 and 62006-16-TK-07 (Record No. 11567) Contract filing of United Telephone Company of the West, d/b/a/ Embarq, to enter into a commercial mobile radio service (CMRS) interconnection agreement with Union Telephone Company.**
- 2. Undocketed. Open Meeting minutes for review by the Commission for the Regular Open Meetings of November 9, 16, 19 and 28 and December 7, 2007.**

Chairman Lewis introduced the consent agenda items and asked if there were any requests to withdraw an item for further consideration. There were no such requests or any further questions or comments. Chris Petrie, Commission Counsel, recommended approval of Item 1 by Order only. Deputy Chairman Oxley moved to approve Item 1 as recommended and further moved to approve the Open Meeting Minutes as submitted. Commissioner Byrnes seconded the motion and Chairman Lewis concurred.

Mr. Petrie then recommended tabling Item #6 on the Regular Agenda, Docket No. 80002-12-WA-07 (Record No. 11267) for the reason that Staff had not been able to get in contact with the parties involved. Deputy Chairman Oxley moved to approve the recommendation, Commissioner Byrnes seconded the motion and Chairman Lewis concurred.

REGULAR AGENDA ITEMS

1. **Undocketed. Representatives of SourceGas Distribution LLC (SourceGas) will present information and answer questions concerning [i] its recent conversion to a new billing system, and [ii] reported billing irregularities, disconnections, and customer service issues.** Darrell Zlomke, Commission advisory staff (CAS), provided a technical memo dated January 28, 2008. Ms. Ann Robinson introduced herself as a Casper resident who is appearing at Open Meeting to provide public comment. She provided information regarding her experience with SourceGas' billing issues since September 2007. SourceGas advised her that she was not receiving bills due to problems reading the meter and that she currently had a zero balance. The company would work with her on getting her bills up to date when the problem was fixed. She stated many of her neighbors, during a homeowner's association meeting, stated they also have not received bills for the last 2-4 months. Bud Becker, counsel for SourceGas, stated company representatives were here to answer any questions regarding the billing issues. He stated problems with the billing system are not acceptable to the Company and confirmed that there are no disconnects due to billing issues. He also stated a postcard was mailed to customers informing them of the billing issues. Mr. Van Dyke, SourceGas, stated some of the billing issues have been fixed and others have not. Mr. Van Dyke stated the Company generally allows customers to repay any past due amount in the same number of months that they were not billed. SourceGas currently is not charging late fees or interest. Ms. Helen Wells, SourceGas, described the tools used to train customer service representatives at the Accenture call center who assist customers in determining what the issues are and how they will be addressed. Other SourceGas representatives responded to Commission questions on the billing system, the call center, and future disposition of the billing problems. Chairman Lewis recommended initiating an investigation and to hold a public hearing in Casper. Deputy Chairman Oxley moved to approve the recommendation to initiate an investigation under W.S. § 37-2-117 to investigate the billing change-over issues with SourceGas. Commissioner Byrnes seconded the motion and Chairman Lewis concurred.

2. **Docket Nos. 70200-4-TA-07, 74140-8-TA-07 and 74311-13-TA-07 (Record No. 11008) Amended joint application of Matrix Telecom, Inc., and Americatel Corporation (the Companies) for a pro forma transfer of control.** Mike Korber, CAS, provided a technical memo dated January 28, 2008. Dana Hoyle, Matrix Telecom, Inc., stated the joint request is being made for approval of the transfer of 100% of Matrix stock and 95% of Americatel stock from EnergyTRACS to MTAC which is a subsidiary of EnergyTRACS. She added that the financial condition of the companies is sound and will not be affected by reorganization nor will any Wyoming customer be affected. Mr. Korber, CAS, stated that this filing was required because it was made prior to the 2007 statutory changes to Wyoming's telecommunications laws removed telecommunications companies from the reorganization statutes. Ms. Blair Bales, Commission Counsel, recommended approval of the application with Notice and Order, which will include a statement regarding the repealed reorganization requirements. Ms. Bales further recommended the Commission grant both Petitions for Confidential Treatment, effectively immediately. Deputy Chairman Oxley moved to take action as recommended by staff and requested the Public Notice clearly state that this action is only being taken by the Commission due to the application being filed prior to the effective date of the 2007 Wyoming Telecommunications Act. Commissioner Byrnes seconded the motion and Chairman Lewis concurred.

3. **Docket No. 70114-9-TA-06 (Record No. 10837) Motion of Bresnan Broadband of Wyoming (Bresnan) to withdraw its Petition for Confidential Treatment of certain portions of its Annual Report.** Mike Korber, CAS, provided a technical memo dated January 28, 2008. Walter Eggers, counsel for Bresnan, stated Bresnan currently feels the information included in the 2005 Annual Report is no longer confidential and therefore requests their Petition be withdrawn. There were no further comments or questions. Ms. Blair Bales recommended the Commission grant Bresnan's motion to withdraw its Petition for Confidential Treatment and vacate the previous Letter Order issued in this docket by issuing a new Letter Order, effective immediately. She also recommended the Letter Order state that Bresnan's 2005 Annual Report shall be placed in the Commission's public files and on the Commission's website. Deputy Chairman Oxley moved to accept the recommendation, Commissioner Byrnes seconded the motion and Chairman Lewis concurred.

4. **Docket No. 30003-43-GK-07 (Record No. 11465) Contract filing of MGTC, Inc. (MGTC) to place a Transportation Service Agreement in the Commission's confidential files and the associated Petition for Confidential Treatment.** Jess Bottom, CAS, provided a technical memo dated January 28, 2008. Walter Eggers, counsel for MGTC, introduced Chris Odell of MGTC who appeared by telephone. Ms. Odell stated the request for confidential treatment is because the now redacted contract was entered into under unique circumstances and has several sensitive issues such as names, prices, rates, volumes, etc. Mr. Eggers added that most of the boiler plate language remains the same in the redacted contract. Deputy Chairman Oxley noted that page 1 of the redacted version should be corrected to better conceal the confidential information. There were no further comments or questions. Ms. Bales recommended a letter order, effective immediately, for placement of the entire confidential agreement

into the Commission's confidential files and to place the redacted copy in the docket files after the first page revision. Deputy Chairman Oxley moved to accept staff recommendations. Commissioner Byrnes seconded and Chairman Lewis concurred.

5. **Docket No. 30005-115-GP-08 (Record No. 11602) Out-of-period application of Cheyenne Light, Fuel and Power Company (Cheyenne Light) for authority to pass on a wholesale gas cost increase of \$2.5349 per decatherm for firm rate classes and \$4.0361 per decatherm for its interruptible rate class customers, and Petition for Confidential Treatment.** Marci Norby, CAS, provided a technical memo dated January 29, 2008. Brian Iverson, counsel for Cheyenne Light, stated the request for confidential treatment is a standard request due to proprietary information regarding certain vendors and arrangements with various suppliers. With regard to the pass on, Mr. Iverson reminded the Commission that Cheyenne Light had switched to a quarterly ECA filing and had, in December, requested rates be in effect for January 1, 2008. At that time the Company had an over-collected balance in its account and as of today, the over-collected balance has since become under-collected. The purpose of this out of period filing is to put rates in effect on February 1, 2008, remove the deferred amount under the current rates, update the gas cost forecast and increase the current rate over the next two months until the next quarterly filing which is scheduled for April 1, 2008. There were no further comments or questions. Steve Mink, Commission Counsel, recommended approval of the petition for confidential treatment and approval of the out-of-period pass on application, by notice and order, effective February 1, 2008. Deputy Chairman Oxley moved to grant the request for confidential treatment and approve, by Notice and Order, the application for out-of-period pass on. Chairman Lewis seconded the motion.

6. **Docket No. 20002-69-EA-07 (Record No. 11549). Application of Black Hills Power Inc., (Black Hills) for a certificate of public convenience and necessity for WyGen III, a 100-MW, coal-fired electric generation facility to be located in Gillette, Wyoming.** Shannon Anderson, an organizer with the Powder River Basin Resource Council, appeared by telephone. Chairman Lewis introduced the bench and noted that Commissioner Mary Byrnes had filed a recusal in this matter based on her membership in the Sierra Club. Ms. Anderson stated the council did not want to formally intervene in this matter but only wanted to voice their concerns by way of the filed comments. After lengthy discussion, it was determined that the joint comments filed by the Sierra Club and Powder River Basin Resource Council will only be considered comments and are not filed for the purpose of intervention. Ms. Anderson disconnected herself from the open meeting.

Chairman Lewis then announced the second matter regarding this docket, which is the proposed procedural schedule submitted jointly by Montana-Dakota Utilities, (MDU), the Office of Consumer Advocate (OCA) and Black Hills. Mr. Brian Iverson, representing Black Hills, stated that Black Hills and the Intervenors in this matter had submitted a joint procedural schedule requesting a hearing date of March 17-19, 2008, and for convenience, hold the hearing in Cheyenne. Chairman Lewis suggested the hearing be held in Gillette to provide the public easier access to the hearing. Further discussion took place regarding the date and location for the hearing, after which, Mr. Mink, Commission

Counsel, recommended approval of the joint procedural schedule with hearing to be held in Cheyenne. Deputy Chairman Oxley moved to approve the procedural schedule with a minor change in the hearing date from March 17-19 to March 18-20, 2008, and also to hold the hearing in Gillette instead of Cheyenne. Deputy Chairman Oxley also moved to enter a Letter Order which would verify that Sierra Club and Powder River Basin Resource Council were not Intervenors in this matter. Chairman Lewis seconded the motions.

A full audio transcript is available upon request.

Next Open Meeting: Friday, February 1, 2008, at 1:00 p.m.

Prepared by: Angie Elliott

ACCEPTED and APPROVED by the Commission on the 9th day of April, 2008.

Kathleen A. "Cindy" Lewis, Chairman