

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting
Thursday, January 4, 2018
1:30 p.m.

Commissioners: Chairman William F. Russell
Deputy Chair Kara Brighton Fornstrom
Commissioner Robin Sessions Cooley

Bruce Asay, Associated Legal Group, LLC, Counsel for Montana-Dakota
Utilities Co. (MDU)
Tamie Aberle, Director of Regulatory Affairs, MDU (by telephone)
Mike Shoepf, Operations Director, MDU (by telephone)
Karen Collins, MDU (by telephone)
Michael Orton, Director Energy Efficiency, Questar Gas Company d/b/a
Dominion Energy (Dominion) (by telephone)

Commission Staff (CS): Steve Mink, James Branscomb, Kara Seveland,
Dave Piroutek and John Burbridge

CONSENT AGENDA

- 1. Docket No. 20000-528-EC-17 (Record No. 14898). Complaint of Dinosolar, LLC against Rocky Mountain Power (RMP). Commission to consider and act on Dinosolar, LLC and RMP's Joint Motion to extend the deadline for RMP to respond to complaint filing and consider issuance of a *Special Order Authorizing One Commissioner and/or Presiding Officer to Conduct Public Hearing*.**
- 2. Docket No. 20000-520-EA-17 (Record No. 14781). Application of Rocky Mountain Power for Certificates of Public Convenience and Necessity and nontraditional ratemaking for wind and transmission facilities. Commission to consider and act on *Motion for Admission Pro Hac Vice of Bret A. Sumner* filed on December 19, 2017 (*Motion*).**
- 3. Docket 30010-164-GS-17 (Record No. 14718). Application of Questar Gas Company d/b/a Dominion Energy Wyoming for authority to issue securities. Commission to consider and act on *Petition for Confidential Treatment of Terms and Conditions of Security Issuance* filed on December 21, 2017 (*Petition*).**

Chairman Russell introduced the consent items. For Item #1, Steve Mink, Commission Counsel, recommended granting the Joint Motion and issuing a *Special Order*, by *Order* only, effective immediately. For Item #2, he recommended granting the *Motion* and for Item #3, granting the *Petition*, by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

REGULAR AGENDA

1. **Docket No. 30013-328-GA-17 (Record No. 14730). Filing of Montana-Dakota Utilities Co. for approval of a partial waiver of 49 CFR Part 192.481(a). Commission to consider and act on filing.** Kara Seveland and Dave Piroutek, CS, provided a technical *Memo* dated December 1, 2017. Bruce Asay, MDU's Counsel, provided background on the application noting a partial waiver for inspection once every four years was previously approved by the Commission. MDU requests the Commission extend the waiver and make it permanent. Asay also stated MDU would like to align the related inspections with required leak inspections. Dave Piroutek, CS, commented that when the waiver was initially granted, Pipeline and Hazardous Material Safety Administration (PHMSA) requested it be a five-year waiver. Current guidance received from PHMSA is 10 years for waivers on maintenance and operations issues. Steve Mink, Commission Counsel, recommended approval of the application, except to limit the waiver to 10 years as outlined by PHMSA, by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

2. **Docket No. 30010-172-GA-17 (Record No. 14869). Application of Questar Gas Company d/b/a Dominion Energy Wyoming for approval of the 2018-year budget for Energy Efficiency Programs. Commission to consider and act on Application.** Kara Seveland, CS, provided a technical *Memo* dated December 29, 2017. Michael Orton, Dominion's Director of Energy Efficiency, provided details about the application, the Company's budget and the proposed changes. He noted there is a 40% increase in the budget from 2017, which is related to incentives to be paid to customers participating in its Thermwise program. Orton said the energy savings will be substantial. He said participation is low in terms of customers, but involves large equipment (high efficiency boilers and infrared heaters) therefore, the savings is a bigger percentage. Orton confirmed this change will not impact rates. There were no further questions or comments. John Burbridge, Commission Counsel, recommended approval of the application for use on and after January 1, 2018, by *Order* only. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Thursday, January 11, 2018

ACCEPTED and APPROVED by the Commission on January 11, 2018.

Chairman William F. Russell

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting
Thursday, January 11, 2018
1:30 p.m.

Commissioners: Chairman William F. Russell
Deputy Chair Kara Brighton Fornstrom
Commissioner Robin Sessions Cooley

Jason Keil, Manager, Regulatory, Cheyenne Light, Fuel and Power d/b/a
Black Hills Energy (CLFP)
Todd Brink, Assistant General Counsel, CLFP
Jana Smoot White, Assistant General Counsel, CLFP
Marne Jones, VP Regulatory, CLFP
Ronnie Lopez, Bailey, Stock, Harmon & Cottam, LLP, Counsel for Holly
Frontier
O'Kelley Pearson, Hickey & Evans, LLP, Counsel for Microsoft
Corporation

Office of Consumer Advocate (OCA): Christopher Leger

Commission Staff (CS): Steve Mink, Jess Bottom, John Burbridge, Thomas
Wilson, Morgan Fish, Katie Koski, Marci Norby and Pam Temte

CONSENT AGENDA

1. **Undocketed: Minutes for review from the Special Open Meetings of October 12 and November 20, 2017 and Regular Open Meetings of October 17, 24, 30, November 7, 16, 27, December 7, 19, 2017, and January 4, 2018.**
2. **Docket No. 74022-25-TA-18 (Record No. 14919). Notification of Intellicall Operator Services, Inc., to cancel its Interexchange Registration and Tariffs to do business in Wyoming. Commission to consider acceptance of the Notification for filing.**
3. **Docket No. 20003-160-EK-17 (Record No. 14849). Interconnection Agreement between Cheyenne, Light, Fuel and Power Company d/b/a Black Hills Energy and Cheyenne VA Medical Center. Commission to consider acceptance of Agreement for filing.** Morgan Fish, CS, provided a technical *Memo* dated January 8, 2018.
4. **Docket Nos. 70000-1650-TK-17 and 70248-4-TK-17 (Record No. 14870). Contract filing of Qwest Corporation D/B/A CenturyLink for authority to enter into an amendment to its Interconnection Agreement with Wide Voice, LLC. Commission to consider and act on Amendment.** Tom Wilson, CS, provided a technical *Memo* dated January 8, 2018.
5. **Docket Nos. 70000-1651-TK-17 and 70108-26-TK-17 (Record No. 14904). Contract filing of Qwest Corporation d/b/a CenturyLink QC for authority to amend its Interconnection Agreement with Granite Telecommunications, LLC. Commission to**

consider and act on Amendment. Tom Wilson, CS, provided a technical *Memo* dated January 8, 2018.)

6. **Docket Nos. 70003-191-TK-17 and 70209-17-TK-17 (Record No. 14859). Contract filing of CenturyTel of Wyoming, Inc., D/B/A CenturyLink for authority to enter into an Interconnection Agreement with Neutral Tandem-Wyoming, LLC. Commission to consider and act on Agreement.** Tom Wilson, CS, provided a technical *Memo* dated January 8, 2018.
7. **Docket No. 20003-156-EP-17 (Record No. 14649). Application of Cheyenne Light, Fuel and Power Company d/b/a Black Hills Energy to increase its Power Cost Adjustment by \$0.00468 per kWh for the period April 1, 2017 through March 31, 2018. Commission to consider and act on *Petition for Confidential Treatment of Customer Usage, Cost, and Revenue Data in PCA Model and Workpapers (Petition)* filed on December 8, 2017.**

Chairman Russell introduced the consent items. For Item #1, Deputy Chair Fornstrom moved to approve the minutes as prepared. Commissioner Cooley seconded the motion and Chairman Russell concurred. For Item #s 2 and 3, John Burbridge, Commission Counsel, recommended accepting the Notification and Agreement for filing. For Item #s 4 and 5, he recommended approval of the Amendment. For Item #6, he recommended approval of the Agreement and for Item #7, granting the *Petition*. Burbridge recommended this all by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

REGULAR AGENDA

1. **Docket No. 10000-24-CS-17 (Record No. 14909). Application of Fall River Electric Coop. Inc., for authority to borrow \$10,000,000 from the National Rural Utilities Cooperative Finance Corporation. Commission to consider a continuance pursuant to Wyo. Stat. § 37-6-104.** Steve Mink, Commission Counsel, explained Commission Staff needs more time to process this application. He stated it will be ready for Open Meeting on January 18, 2018. No Company representatives were present. There were no questions. Mink recommended a continuance of the matter by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.
2. **Docket No. 20003-156-EP-17 (Record No. 14649). Application of Cheyenne Light, Fuel and Power Company d/b/a Black Hills Energy (BHE) to increase its Power Cost Adjustment (PCA) by \$0.00468 per kWh for the period April 1, 2017 through March 31, 2018. Commission to consider BHE's Compliance Tariffs and Interim Rate Refund Plan and the potential benefits of further evidentiary and other proceedings, and to take such action as the public interest may require.** Morgan Fish, CS, provided a technical *Memo* dated December 15, 2017. Chairman Russell introduced the item and reminded everyone that this is a continuation of the matter considered on December 21, 2017, that was tabled. He provided a brief overview of the discussion wherein the Commission denied the application, ordered the Company to refund the interim PCA

increase that was effective April 1, 2017, and the 2015 governmental imposition costs previously recovered. He stated the Commission then issued a printed *Order* that echoed those deliberations and directed the Company to submit a compliance filing. This filing was submitted on December 8, 2017, before the written *Order* was issued. Because the Company may have been unclear as to what was decided before the written *Order* was issued, Chairman Russell moved to reject the current compliance filing and ordered a new compliance filing to be submitted consistent with the *Order*.

Deputy Chair Fornstrom did not second the motion, commenting that her position during deliberations was that the application should be granted with disallowances for the 2015 and 2016 governmental imposition costs. She also said she supports a refund of the Company's overearnings to customers. To effect a compromise, she agreed to deny the application and believed the Commission was in agreement in disallowing the governmental imposition costs and with regard to the overearnings issue. She stated two intervenors were opposed to CLFP's compliance filing and they urged the Commission to deny recovery of all costs to the Company. The Deputy Chair said that is not consistent with the action the Commission took in November 2017, noting the effect of denying the application is punitive to CLFP. She proposed two options: a) a rehearing; or b) approval of the compliance filing, as is, with the ability to address shortfalls of customer refunds and Company overearnings in the 2018 PCA. She also reminded the other Commissioners of its statutory ability to clarify the *Order*, which is obviously, given the parties' various interpretations, is confusing.

Commissioner Cooley said she determined that the impact of the *Order* as written is clear, reaffirmed the language of the *Order* as written and seconded the Chairman's motion.

Chairman Russell conferred CLFP about a deadline for filing and agreed that the new compliance filing will be due within 30 days from today's date.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Tuesday, January 16, 2018

ACCEPTED and APPROVED by the Commission on February 22, 2018.

Chairman William F. Russell

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting
Tuesday, January 16, 2018
1:30 p.m.

Commissioners: Chairman William F. Russell
Deputy Chair Kara Brighton Fornstrom

Emanuel Cocian, Counsel, Holland and Hart, LLP, Counsel for
Renewable Energy Coalition (by telephone)
Yvonne Hogle, Assistant General Counsel, Rocky Mountain Power (by
telephone)

Commission Staff (CS): Lori Brand, John Burbridge, Michelle Bohanan,
Pam Temte, Steve Mink, James Branscomb, Nathan Brennan

CONSENT AGENDA

1. **Docket No. 80011-5-WR-17 (Record No. 14670). Amended Application of Orchard Valley Water Co. for authority to increase its bimonthly minimum charge from \$25.00 to \$50.00, increase its fee for use in excess of 4000 gallons per two month period from \$1.25 to 2.00 per 1000 gallons and to implement time-limited rate riders of \$10.88 and \$9.35. Commission to consider and act on Orchard Valley's *Petition for Confidential Treatment and Protective Order (Petition)* filed December 12, 2017.**
2. **Docket No. 10000-23-CK-17 (Record No. 14685). Contract filing of Fall River Rural Electric Coop, Inc. with Pacific Northwest Generating Cooperative. Commission to consider acceptance of contract for filing.** Michelle Bohanan and Pam Temte, CS, provided a technical *Memo* dated January 10, 2018.

Chairman Russell introduced the consent items. For Item #1, Lori Brand, Commission Counsel, recommended granting the *Petition* and denying the *Protective Order* as unnecessary. For Item #2, she recommended accepting the contract for filing, both items by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended and Chairman Russell seconded the motion.

REGULAR AGENDA

1. **Docket No. 20000-518-EA-17 (Record No. 14736). Application of Rocky Mountain Power (RMP) for approval of Schedule 37, Standard Rates for Purchases of Power from Qualifying Facilities. Commission to consider and act on *Renewable Energy Coalition's Unopposed Motion for Leave to Attend Hearing via Telephone (Motion)* filed on January 9, 2018.** Emanuel Cocian, Counsel for Renewable Energy Coalition (REC), presented the unopposed *Motion*. He explained its expert witness, John Lowe, resides in Oregon a substantial distance from an airport and stated it would be a hardship for Lowe to travel to Cheyenne for the hearing. Cocian also reiterated that the parties are finalizing a settlement agreement in this case, which would shorten the witness' testimony considerably. Yvonne Hogle, RMP's Associate General Counsel, said the Company agreed

with representations made by REC. In response to the Deputy Chair's inquiry, Cocian stated that it was anticipated the settlement agreement would likely be filed within 24 hours. There were no further questions or comments. Steve Mink, Commission Counsel, recommended granting the *Motion by Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended and Chairman Russell seconded the motion.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Thursday, January 18, 2018

ACCEPTED AND APPROVED by the Commission on January 30, 2018.

Chairman William F. Russell

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting

Thursday, January 18, 2018

1:30 p.m.

Commissioners: Chairman William F. Russell
Deputy Chair Kara Brighton Fornstrom
Commissioner Robin Sessions Cooley

Linden Barney, General Manager, Fall River Electric Cooperative (by telephone)

Todd Brink, Associate General Counsel, Cheyenne Light, Fuel and Power Company d/b/a Black Hills Energy (BHE)

Jana Smoot White, Associate General Counsel, BHE

Jerrad Hammer, Director of Regulatory, BHE

Rick Thompson, Hathaway and Kunz, Counsel for Dyno Nobel

Dale Cottam, Harmon Bailey Stock and Cottam, Counsel for Holly Frontier Refining, LLC (by telephone)

Ronnie Lopez, Harmon Bailey Stock and Cottam, Counsel for Holly Frontier Refining, LLC

O'Kelley Pearson, Hickey and Evans, LLP, Counsel for Microsoft

Kathryn Iverson, Brubaker and Associates, Consultant (by telephone)

Commission Staff (CS): Steve Mink, Jess Bottom, Katie Koski, Pam Temte, Nathan Brennan, Morgan Fish, and Luy Luong

REGULAR AGENDA

1. **Docket No. 10000-24-CS-17 (Record No. 14909). Application of Fall River Electric Cooperative, Inc., for authority to borrow \$10,000,000 from the National Rural Utilities Cooperative Finance Corporation. Commission to consider and act on Application.** Jess Bottom, CS, provided a technical *Memo* dated January 10, 2018. Linden Barney, Fall River's Finance Manager, explained the Cooperative would like authority to borrow up to \$10,000,000 over a five-year period. He stated these funds will be used for capital projects, unforeseen storm or extreme weather damage, and be available as needed. There were no questions or comments. Steve Mink, Commission Counsel, recommended approval of the application by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.
2. **Docket No. 20003-164-EA-18 (Record No. 14927). Application of Cheyenne Light, Fuel and Power Company d/b/a Black Hills Energy (BHE) for an extension of time to file its 2018 Power Cost Adjustment Application. Commission to consider and act on BHE's Application and Motion for Expedited Review of Cheyenne Light, Fuel and Power Company d/b/a Black Hills Energy's Application for Extension of Time to File its 2018 Power Cost Adjustment Application (Motion).** Chairman Russell introduced the *Motion for Expedited Review* and moved to approve it. Deputy Chair Fornstrom seconded the motion and Commissioner Cooley concurred. Chairman Russell next introduced the

Application for consideration. Jerrad Hammer, BHE's Manager of Regulatory, commented that moving the deadline for filing the Power Cost Adjustment (PCA) back to May 1, 2018, will allow more time for all parties to compile the necessary information. Rick Thompson, Counsel for Dyno Nobel, said the parties still have not seen the anticipated compliance filing from the past PCA, and to change the next one without advance notice or time to budget creates a confusing situation. He stated that Dyno Nobel opposes changing the PCA filing date. Ronnie Lopez, Counsel for Holly Frontier, concurred with Thompson's assessment. Dale Cottam, Counsel for Holly Frontier, added that issues need to be resolved with regard to the current PCA and is concerned with shortening of the time to respond. He asked that this Application be denied. O'Kelley Pearson, Microsoft's Counsel, said Microsoft does not object to the extension of time. Mr. Hammer responded to the parties that if the concern is that rates will be in limbo for two months, the effective date could be changed to June 1, 2018. He said BHE is not asking the Commission to move the procedural schedule, just the filing deadline, which should not affect the timeline, rights or participation in this matter. A discussion followed among the parties and Commissioners about overlap with the current compliance filing, deadlines, time to review the work papers and relevant information, and potential balancing account issues. Mr. Hammer committed to Deputy Chair Fornstrom to provide work papers immediately when the Application is filed to alleviate concerns. Mr. Thompson asked Mr. Hammer what the PCA rate for the April and May interim period would be until the June 1 application becomes effective. Mr. Hammer responded the proposal would be to extend the rates that are approved in the compliance filing. There were no further questions or comments. Katie Koski, Commission Counsel, recommended approval of the application by *Notice and Order*, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Monday, January 22, 2018

ACCEPTED and APPROVED by the Commission on February 22, 2018.

Chairman William F. Russell

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting
Monday, January 22, 2018
1:30 p.m.

Commissioners: Chairman William F. Russell
Commissioner Robin Sessions Cooley

Liz Zerga, Jubin and Zerga, LLC, Counsel for the Range Companies,
Silverstar, All West and Tri-County Telecom Companies
Walter Eggers, Holland and Hart, LLP, Counsel for Charter
Communications
Cheryl Riley, Director of External Affairs, AT&T
Erik Rasmussen, Senior Manager, Charter Communications
Hon. Dave Freudenthal, Freudenthal and Bonds, PC, Counsel for AT&T
Lisa Anderl, Corporate Counsel, CenturyLink (by telephone)

Commission Staff (CS): Chris Petrie

CONSENT AGENDA

1. **Undocketed: Minutes for review from Open Meeting on November 9, 2017, as prepared by Angie Elliott.**

Chairman Russell introduced the undocketed consent item. Commissioner Cooley moved to approve the minutes as prepared. Chairman Russell seconded the motion.

REGULAR AGENDA

1. **Docket No. 90000-134-XO-17 (Record No. 14915). Commission's Consideration on its own Motion of the Effect of the Tax Cuts and Jobs Act of 2017 on the Propriety of Rates Charged by Public Utilities and Telecommunications Companies Providing Service in Wyoming. Commission to consider amendment of the Order issued herein on December 29, 2017 to clarify its applicability to certain rate-regulated telecommunications companies and rate-regulated public utilities, and to take such action as the public interest may require.** Chairman Russell introduced the item and commented that the December 29, 2017, *Order* in this matter caused certain issues that need to be corrected. Chris Petrie, CS, commented stating Commission Staff further reviewed the Telecommunications Act and recommends the Commission issue an amended *Order*. Mr. Petrie stated the amendments relate to Paragraphs #3, #9 and the reordering of #1. He read through those proposed amendments to enter them into the record. He also stated several other revisions were made for style and grammar reasons.

Liz Zerga, Counsel for various telecommunications companies, commented that those companies appreciate Commission Staff comments, noting the amendments are appropriate and accurately reflect the jurisdiction of the Commission over rates for

telecommunications companies. She said the Companies are aware that it was not the Commission's intent to include items over which the Commission does not have jurisdiction and fully supports the proposed amendments. Hon. Dave Freudenthal, AT&T's Counsel, echoed Ms. Zerga's comments and confirmed the footnote on Page 1 would no longer be necessary. Bruce Asay, Union Telephone's Counsel, stated that Union Telephone supports these amendments. He did voice his concern that there is no record number indicating what action is being considered in this open meeting and the language in the notice is overly broad. He said that while the procedure was not clear, he supports the result. Walter Eggers, Counsel for Bresnan Broadband of Wyoming and Charter Communications, stated he was in agreement with Ms. Zerga and the other parties and supports the resulting amended *Order*. He added that the same limiting language as in Paragraph 1 should be used in Paragraphs 2 and 3 following the term "telecom company." Kristin Lee, CenturyLink's Director of Legislative and Regulatory Affairs, stated CenturyLink fully supports the recommendation and appreciates the Commission's willingness to respond. Dan Aaron, CTIA Wireless Foundation, echoed the previous comments. All parties present expressed the need to address this matter today as the appeal time runs out on Monday.

Mr. Petrie responded to Mr. Eggers' previous comment that the language would be adjusted in Paragraphs 2 and 3 to clarify that "telecom" is not standing alone. He recommended the Commission issue an *Amended Order*, as previously described, effective immediately, but added that the previous *Order* would remain in effect for companies other than those companies being excused by the *Amended Order* so as not to create a gap by the supplanting of the *Order*. Commissioner Cooley moved to amend the *Order* as described. Chairman Russell seconded the motion.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Tuesday, January 30, 2018

ACCEPTED AND APPROVED by the Commission on February 22, 2018.

Chairman William F. Russell

WYOMING PUBLIC SERVICE COMMISSION

Minutes of Regular Open Meeting

Tuesday, January 30, 2018

1:30 p.m.

Commissioners: Chairman William F. Russell
Deputy Chair Kara Brighton Fornstrom
Commissioner Robin Sessions Cooley

Linden Barney, Chief Financial Officer, Fall River Propane (by telephone)
Paul Hickey, Hickey and Evans, LLP, Counsel for CenturyLink
Tre Hendricks, Senior Corporate Counsel, CenturyLink
Kristin Lee, Regulatory-Legislative Affairs Director, CenturyLink
Margaret McGill, Principal Analyst Regulatory, Cheyenne Light, Fuel and
Power Company d/b/a Black Hills Energy (BHE) (by telephone)
Janice Smith, Manager, Y-O Investments, Inc. (by telephone)
Don Hale, Customer, Y-O Ranch Resident (by telephone)
Wendell Johnson, Customer, Y-O Ranch Resident
June Johnson, Customer, Y-O Ranch Resident
Norma Trennopohl, Customer, Y-O Ranch HOA Board Member
Douglas Trennopohl, Customer, Y-O Ranch HOA Board Member

Commission Staff (CS): John Burbridge, Tom Wilson, Steve Mink, Katie
Koski, Nathan Brennan, Michelle Bohanan, Kara Seveland, Morgan Fish,
James Branscomb, Luy Luong, Lori Brand, Chris Petrie, Melisa Mizel,
Rachel Meeker, Shirley McCown, Tom Wilson and Pam Temte

CONSENT AGENDA

- 1. Undocketed. Open Meeting Minutes for review from the Open Meeting on January 16, 2018, as prepared by Barbara Tomlinson.**
- 2. Docket No. 70109-16-TA-17 (Record No. 14874). Notification of the name change of Bandwidth.com, Inc. to Bandwidth Inc. Commission to consider acceptance of notification for filing.**
- 3. Docket Nos. 70009-482-TK-17 and 70209-18-TK-17 (Record No. 14895). Contract filing of United Telephone Company of the West d/b/a CenturyLink of the West for authority to enter into an Amendment to the Interconnection Agreement with Neutral Tandem-Wyoming, LLC. Commission to consider and act on Amendment. Tom Wilson, CS, provided a technical *Memo* dated January 23, 2018.**
- 4. Docket No. 30011-97-GR-17 (Record No. 14896). Application of Black Hills Northwest Wyoming Gas Utility Company, LLC d/b/a Black Hills Energy for approval of a general rate increase of \$1,414,074 per annum. Commission to consider issuance of a *Special Order Authorizing One Commissioner and/or Presiding Officer to Conduct Public Hearing*.**

5. **Docket No. 80031-1-WA-17 (Record No. 14841). Application of Water Unlimited, Inc. for a certificate of public convenience and necessity to operate as a public utility rendering domestic water service to rural Weston County. Commission to consider and act on *Petition for Confidential Treatment of Tax Return (Petition)*.**

Chairman Russell introduced the consent items. For Item #1, Deputy Chair Fornstrom moved to approve the minutes as prepared. Commissioner Cooley seconded the motion and Chairman Russell concurred. For Item #2, Steve Mink, Commission Counsel, recommended accepting the notification for filing. For Item #3, he recommended approval of the Amendment. For Item #4, he recommended issuance of a *Special Order*, and for Item #5, granting the *Petition*. He recommended all of the foregoing by *Order* only, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

REGULAR AGENDA

1. **Docket No. 30024-3-GP-18 (Record No. 14924). Application of Fall River Enterprises, Inc. d/b/a Fall River Propane to pass on a propane cost decrease of \$0.5767 per gallon. Commission to consider and act on Application and *Petition for Confidential Treatment of Exhibits C and E Along with Confidential Treatment of Schedule 3 of Exhibit D (Petition)*.** Jess Bottom, CS, provided a technical *Memo* dated January 24, 2018. Linden Barney, Fall River's Chief Financial Officer, stated Fall River purchased this distribution system from Lower Valley Energy and this is the first commodity balancing account adjustment. He noted going forward, it will be an annual adjustment. Mr. Barney provided details of the adjustment, which results in an overall decrease in rates. Deputy Chair Fornstrom commented she preferred the credits be issued over a 12-month period to reflect current customers, but was concerned about providing notice to customers that the decrease may not be permanent. She asked whether the Company could provide notice both at beginning and the end of the refund period regarding the nature of the rate change. JT Hill, Fall River's General Manager, did not foresee any problems with providing notice. He said notice could be given in a separate mailing. There were no further questions or comments. Lori Brand, Commission Counsel, recommended approval of the application for use on and after March 1, 2018, directing the Company to provide notice at the beginning and end of the refund period, and granting the *Petition* by *Notice and Order*, effective immediately. Deputy Chair Fornstrom amended the recommendation for the Company to provide the notice to Commission Staff for comments prior to mailing to customers by the Company, and moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.
2. **Docket No. 90000-113-XI-10 (Record No. 12650). Investigation by the Commission into the quality and reliability of essential telecommunications service provided by Qwest Corporation d/b/a CenturyLink QC in its certificated territories in Wyoming;**
Docket No. 90000-122-XI-15 (Record No. 14056). Investigation by the Commission into the quality and reliability of essential telecommunications service provided by Qwest Corporation d/b/a CenturyLink QC (CenturyLink) in Zones 2 and 3 of its Wheatland, Wyoming Exchange; and

Docket No. 90000-128-XI-16 (Record No. 14475). Investigation by the Commission into the quality and reliability of essential telecommunications service provided by Qwest Corporation d/b/a CenturyLink QC in Zones 2 and 3 of the rural areas of Crook County, Wyoming. Parties to appear and provide a report on the status of settlement negotiations.

Ivan Williams, Counsel for OCA, began the status report by commenting that OCA had an offer from CenturyLink to settle these dockets, but after January 1, 2018, and the acquisition of Level 3, funding for the proposal disappeared. Last Friday, OCA was advised there was a new offer and OCA requests sufficient time to evaluate it. Paul Hickey, Counsel for CenturyLink, agreed with Williams' summary. He said the goal of the discussions are for a long term solution that accomplishes more than what an adjudicated outcome could and believed 3 to 4 weeks would be sufficient to bring back a formal final settlement. Mr. Williams explained that the meetings over the last month focused on what is important to customers, but said he is not able to share specifics. Tre Hendricks, CenturyLink's Counsel, stated the first proposal ran into problems because of the acquisition and cost overruns in the projections. The new proposal employs a creative use of new technology, includes the use of broadband, and he believes the capabilities it will provide will be good for customers in these areas. He said Level 3 is a mostly unregulated local exchange carrier providing enterprise business services to large organizations in the US and internationally, and the acquisition allows CenturyLink to offer an enhanced suite of services it was not able to offer before. He also said Level 3 has a large fiber network. Chairman Russell suggested setting the hearing for the last Open Meeting scheduled in February and both Hickey and Williams agreed. Lori Brand, Commission Counsel, recommended CenturyLink be directed to continue negotiations, provide status updates, and be prepared to make a presentation either at end of February or the beginning of March. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

3. **Docket No. 30005-232-GP-17 (Record No. 14916). Application of Cheyenne Light, Fuel and Power Company d/b/a Black Hills Energy for authority to pass on a wholesale gas cost increase of \$0.2685 per dekatherm for Firm and Interruptible rate classes effective February 1, 2018. Commission to consider and act on Application and *Petition for Confidential Treatment of Natural Gas Acquisition Strategy and Financial Forecasting and Gas Cost Invoices* filed on December 28, 2017 (*Petition*).** Kara Seveland and Pam Temte, CS, provided a technical *Memo* dated January 24, 2018. Margaret McGill, BHE's Principal Analyst – Regulatory, explained there was a change to the gas cost reconciled rate resulting in an overall increase, which includes two components, the projected gas cost and deferred gas cost. There were no questions or comments. Lori Brand, Commission Counsel, recommended approval of the application for use on and after February 1, 2018, and granting the *Petition*, by *Notice and Order*, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.
4. **Docket No. 80030-1-WA-16 (Record No. 14628). Amended Application of Y-O Investments, Inc., for a Certificate of Public Convenience and Necessity to operate as a public utility rendering domestic water service in Platte County, Wyoming, and for**

authority to establish interim and permanent water rates, and for authority to establish a special assessment. Commission to consider and act on Y-O Investments, Inc.'s *Emergency Interim Rate Letter Request (Request)* filed on January 2, 2018, *Supplemental Interim Rate Letter Request (Request)* filed on January 22, 2018, *Corrected Proposed Interim Rate Tariff Sheet* filed on January 23, 2018, *Petition for Confidential Treatment of Water System Financial Information, Valuation, and Service List (Petition)* filed on June 21, 2017, and *Petition for Confidential Treatment of Water System Financial Information (Petition)* filed on January 2, 2018. Luy Luong, CS, provided a technical *Memo* dated January 24, 2018. Janice Smith, Y-O Investments Manager, stated the Company is requesting an interim rate because it is not receiving adequate revenue to pay for the expenses of the system. This increased interim rate will allow the Company to cover basic expenses until a final rate can be determined by the Commission at the conclusion of the pending rate case. There was discussion about the proposed rates, metering and related proposed pricing. Douglas Trennepohl, a Homeowners Association (HOA) board member and resident, gave a public comment stating that the interim rate is unlimited and to his knowledge currently his home is the only metered home. He commented he is concerned about the additional cost of metering and how actual usage will be monitored. Deputy Chair Fornstrom asked Ms. Smith about working with the homeowners regarding the U.S. Department of Agriculture (USDA) as mentioned in the comments submitted by James Arbogast. Smith said an HOA was set up as an entity to work with in case the homeowners decide they would like to purchase the water system. The HOA is obtaining a preliminary engineering report of the system and once the report is complete it then will go to the USDA for review. After the review is completed, funds may become available to the homeowners for the purchase of the system. Smith then responded to a question by the Chairman stating that Y-O Investments might consider submitting an amended application because the longer data is gathered, the more is learned and the more accurate the results can be. She thought that pushing the timeline out with an amended application would be difficult because interim rates are only the minimum amount of what is needed, and because she is concerned that Y-O Investment's Department of Environmental Quality (DEQ) permit will expire in 2021 when there are requirements to meet for those projects. Don Hale made a public comment stating he is a combination residential and industrial customer. He provided an overview of his cement factory, his relationship and issues with the Company, and his plan to build his own water tank/system sometime in the spring. Mr. Hale claims there is air in the water lines, making the meter inaccurate. In response, Ms. Smith stated she consulted with the engineering firm and the report it issued found many factors that are variables in this situation. She noted there is a consistent trend between November/December 2016 and November/December 2017 showing seasonal use, but said she understood his concerns and would help troubleshoot the issue. Deputy Chair Fornstrom stressed the importance of working with Mr. Hale to avoid a complaint proceeding after interim rates are approved. Smith said there are a number of things Y-O Investments can do, such as benchmarking and testing the meter. Chairman Russell confirmed with Ms. Smith she requested a single proposed rate for all residential customers, with or without meters. He asked her whether she could determine a single monthly rate for industrial customers for the interim period and provide that request in an expedited manner to the Commission. She responded affirmatively. Mr. Hale said it would be satisfactory to him to have an industrial rate. Ms. Smith stated it would be beneficial for the Company to have interim rates in place as of February 1, 2018, and asked if the Company can use the residential rate for all customers for one month at

which time an appropriate industrial rate will be set. Lori Brand, Commission Counsel, recommended approval of the request to set an interim rate for both residential and residential/industrial combined classes of customers at \$68.19/month for use on and after February 1, 2018, subject to refund. She also recommended the Company be directed to calculate and submit the appropriate rate for industrial customers to be in effect for use on and after March 1, 2018, and further recommended granting both *Petitions*, all by *Notice and Order*, effective immediately. Deputy Chair Fornstrom moved to act as recommended. Commissioner Cooley seconded the motion and Chairman Russell concurred.

Prepared by: Barbara Tomlinson

Date of Next Open Meeting: Thursday, February 1, 2018

ACCEPTED and APPROVED by the Commission on February 22, 2018.

Chairman William F. Russell