

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

Tuesday, June 2, 2009
1:30 p.m.

Commissioners: Chairman Alan B. Minier, presiding
Deputy Chairman Steve Oxley
Commissioner Kathleen A. “Cindy” Lewis

Gary Abbate, SourceGas Distribution, LLC (by telephone)
Kenna Hagan, Black Hills Power (by telephone)
Chris Kilpatrick, counsel for Black Hills Power (by telephone)
William Meckling, SourceGas Distribution, LLC (by telephone)
Eric Nelsen, counsel for SourceGas Distribution, LLC (by telephone)
Sarah Williams, Black Hills Power (by telephone)
Liz Zerga, local counsel for RT Communications

Commission Advisory Staff (CAS): Michelle Bohanan, Victoria Hansen,
Luy Luong, Steve Mink, Marci Norby, Barbara Taylor-Iversen

CONSENT AGENDA ITEMS

1. **Docket No. 20000-342-EA-09 (Record No. 12047) Application of Rocky Mountain Power for authority to establish an avoided cost methodology for customers that do not qualify for tariff schedule 37—avoided cost purchases from qualifying facilities. Commission to consider issuing a Special Order authorizing one Commissioner and/or hearing examiner to conduct public hearing.** Chairman Minier introduced the consent agenda item. There were no comments, questions or requests to withdraw the item for further consideration. Victoria Hansen, Commission Counsel, recommended issuing of the Special Order. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred.

REGULAR AGENDA ITEMS

1. **Docket No. 20002-71-ET-08 (Record No. 11715) Application of Black Hills Power for authority to modify its tariffs affected by the trial change in daylight saving time. Commission to consider issuing a final order approving application.** Don Biedermann, CAS, provided a technical memo dated May 29, 2009. Chris Kilpatrick, Black Hills Power, said a compliance letter has been filed reporting that a letter was sent to the approximately 86 affected customers regarding the changes. Mr. Kilpatrick said no adverse comments were received, and final approval of the tariffs is being requested at this time. There were no further comments or questions. Victoria Hansen, Commission Counsel, recommended approval on a final basis of authority to modify the tariffs and also recommended the tariffs be updated within one year’s time. Deputy Chairman Oxley

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

- 2. Docket No. 70015-65-TC-08 (Record No. 11966) Complaint Filing by James R. Hefflin against RT Communications (RT) requesting a formal hearing regarding easement placement and direction for RT to comply with Wyoming statutes and PSC rules. Commission to consider and potentially act on Complainant James R. Hefflin's Renewal of Request for Hearing.** Victoria Hansen, Commission Counsel, said Mr. Hefflin was notified of the open meeting but has not appeared. Ms. Hansen said the Commission Order of May 8, 2009, directed Mr. Hefflin to file an amended complaint if he wished to pursue this matter, but no amended complaint has been filed. Liz Zerga, local counsel for RT Communications, said the company did not have any comments. There were no further comments or questions. Ms. Hansen recommended dismissal of the docket by Order only, effective immediately with prejudice, for failure of the complainant to comply with the prior Order. After further discussion, Ms. Hansen recommended a statement be added to the Order stating further proceedings under this docket are not warranted under the Wyoming Procedures Act or Title 37 of the Wyoming statutes. Deputy Chairman Oxley moved to act as recommended and to deny the Renewal of Request for Hearing. Commissioner Lewis seconded the motion, and Chairman Minier concurred.
- 3. Docket No. 30022-132-GP-09 (Record No. 12151) Application of SourceGas Distribution, LLC (Casper Division) for authority to pass on through its Commodity Balancing Account a decrease of \$1.1768 per Dth to its Pass-On Rate [Regulated Rate] customers. Commission to consider and potentially act on the company's application and petition for confidential treatment of Exhibit E.** Michelle Bohanan, CAS, provided a technical memo dated May 29, 2009. Gary Abbate, SourceGas, said the filing is for a regular quarterly adjustment for customers taking service under the Pass-On Rate [Regulated Rate]. Mr. Abbate said the decrease has three components: commodity costs, surcharge and working gas storage, with all three decreasing for this period. He said the average customer bill would decrease approximately 13.5% from the current rate and approximately 44.5% from the rate in effect at the same time last year. There were no further comments or questions. Ms. Bohanan recommended approval of the application by Notice and Order, effective immediately, for usage on and after June 1, 2009, and further recommended approval of the petition for confidential treatment of Exhibit E. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred.
- 4. Docket No. 30022-133-GP-09 (Record No. 12152) Amended application of SourceGas Distribution, LLC (Torrington Division) for authority to pass on through its commodity balancing account an increase of \$0.8036 per Dth to its Pass-On Rate [Regulated Rate] customers. Commission to consider and act on amended application and petition for confidential treatment of Exhibit E.** Marci Norby, CAS, provided a technical memo dated May 29, 2009. Gary Abbate, SourceGas, said the quarterly adjustment for the Torrington Division reflects an overall increase due to higher

surcharge and working gas storage costs. In response to Commission questions, Mr. Abbate said the storage costs in Torrington are higher than in other divisions due to less capacity and the need to purchase more volume in higher-priced months. He said the average customer would see an increase of a little over 10% from the current rate but a decrease of approximately 44% from the same period last year. There were no further comments or questions. Steve Mink, Commission Counsel, recommended approval of the application and the petition by Notice and Order, effective immediately, for usage on and after June 1, 2009. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred.

5. **Docket No. 30022-134-GP-09 (Record No. 12153) Application of SourceGas Distribution, LLC (Gillette Division) for authority to pass on through its commodity balancing account an increase of \$2.0049 per Dth to its Pass-On Rate [Regulated Rate] customers. Commission to consider and act on the application and petition for confidential treatment of Exhibit E.** Luy Luong, CAS, provided a technical memo dated May 28, 2009. Gary Abbate, SourceGas, said the commodity and surcharge rates have both increased for the Gillette Division. He said there is no storage capability in Gillette which results in a higher commodity cost. Mr. Abbate said the average customer bill would increase approximately 31.5% from the current rate but would still be less by approximately 42% than the rate during the same period last year. There were no further comments or questions. Victoria Hansen, Commission Counsel, recommended approval of the application and the petition by Notice and Order, effective immediately, for usage on and after June 1, 2009. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred.

A full audio transcript of the meeting is available upon request.

Next Regular Open Meeting: Thursday, June 4, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 25th day of August 2009.

Steve Oxley, Deputy Chairman

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

Thursday, June 4, 2009
1:30 p.m.

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

Rita Mulkern, Montana-Dakota Utilities Co. (by telephone)

Commission Advisory Staff (CAS): Michelle Bohanan, Victoria Hansen,
Luy Luong

CONSENT AGENDA ITEMS

1. **Docket No. 70000-1417-TA-09 (Record No. 12078) Qwest Corporation Request for Initiation of Rulemaking to Modify Quality of Service Rules, Chapter 5, Sections 501(c)(x), 501(c)(xvi), 507(b), 510(b)(i), and 511(b)(ii). Commission to consider and act on Qwest's Petition for Confidential Treatment of Responses to Staff's Second Set of Data Requests.**
2. **Docket No. 70095-14-TA-09 (Record No. 12096). Petition of Budget Prepay, Inc., for confidential treatment of its 2008 annual report. Commission to consider and act on the petition.**

Chairman Minier introduced the consent agenda items. There were no questions, comments or requests to remove an item for further consideration. Victoria Hansen, Commission Counsel, recommended approval of both items by Order only, effective immediately. Deputy Chairman Oxley moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

REGULAR AGENDA ITEMS

1. **Docket No. 20004-80-EA-09 (Record No. 12138) Application of Montana-Dakota Utilities Co. (MDU) for approval to revise its tax collection rate for the Sheridan Electric Occupation (Franchise) Tax pursuant to the Tax Clause section of Rate 100. Commission to consider and act on application.** Michelle Bohanan, CAS, provided a technical memo dated June 2, 2009. Rita Mulkern of MDU said the tax is assessed at a flat rate of \$15,000 per year by the City of Sheridan. She said MDU then adjusts the total to a percentage which is applied to customers within the city limits. Ms. Mulkern said a true-up is calculated once a year to keep the amount as accurate as possible, and she said the requested adjustment reflects that calculation. Ms. Mulkern said the impact of the new rate would be an increase of approximately two cents per month. There were no further comments or questions. Victoria Hansen, Commission Counsel, recommended

approval of the application by Order only, effective immediately, for usage on and after June 1, 2009. Deputy Chairman Oxley moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

A full audio transcript of the meeting is available upon request.

Next Regular Open Meeting: Friday, June 12, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 25th day of August 2009.

Steve Oxley, Deputy Chairman

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

Friday, June 12, 2009
1:30 p.m.

Commissioners: Chairman Alan B. Minier, presiding
Deputy Chairman Steve Oxley

Anthony DiFore, NetTalk.com (by telephone)
Walter Eggers, local counsel for Wyoming Industrial Energy Consumers
Paul J. Hickey, local counsel for Rocky Mountain Power
Kenneth Hosseld, NetTalk.com (by telephone)
Nick Kyriakedes, NetTalk.com (by telephone)
Bill Rodriguez, NetTalk.com (by telephone)
Richard L. Shanor, Sundahl, Powers, Kapp & Martin, LLC
Larry Zapetella, Verizon Wireless (by telephone)
Commission Advisory Staff (CAS): Michelle Bohanan, Victoria Hansen,
Luy Luong

CONSENT AGENDA ITEMS

1. **Docket No. 30022-130-GC-9 (Record No. 12053) Complaint filing by David W. Schropfer against SourceGas Distribution, LLC, requesting a formal hearing regarding billing and collection procedures. Commission to consider and act on the joint request to stay the proceedings until June 30, 2009.**

2. **Docket No. 20000-345-EA-09 (Record No. 12131) Application of Rocky Mountain Power for a certificate of public convenience and necessity to construct the new 28.5 MW McFadden Ridge 1 Wind Project. Commission to consider and act on:**
 - a. **Wyoming Industrial Energy Consumer's and Wyoming Power Producers Coalition's Petitions for Leave to Intervene and Request a Hearing (June 4, 2009);**
 - b. **Wyoming Power Producers Coalition's Notice of Withdrawal of Petition for Leave to Intervene and Request for a Hearing (June 10, 2009);**
 - c. **WIEC's Motion for Admission *pro hac vice* of Robert M. Pomeroy, Jr., Mark A. Davidson and Thorvald A. Nelson (June 5, 2009);**
 - d. **Rocky Mountain Power's Petition for Confidential Treatment and Protective Order (June 1, 2009); and**
 - e. **Interwest Energy Alliance's Petition to Intervene (May 22, 2009) and Withdrawal of Petition for Leave to Intervene on Behalf of Interwest Energy Alliance (June 8, 2009).**

3. Docket No. 20000-311-ET-07 (Record No. 11583) Application of Rocky Mountain Power to revise Line Extension Rule 12. Commission to consider issuing an order dismissing the application.

Chairman Minier introduced the consent agenda. There were no comments, questions or requests to withdraw an item for further consideration. Victoria Hansen, Commission Counsel, provided the following recommendations: Item 1, approve a stay of proceedings, as requested, by Letter Order, effective immediately,; Item 2, approve listed items by Letter Order, effective immediately; and Item 3, issue Order dismissing the application, effective immediately and without prejudice. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion.

REGULAR AGENDA ITEMS

1. Docket No. 10014-111-CT-09 (Record No. 12127) Application of Powder River Energy Corporation (PRECorp) for authority to revise its rules and regulations pertaining to security deposits. Commission to consider and act on:

- a. **Wyoming Industrial Energy Consumers' (WIEC) Petition for Leave to Intervene and Request for Hearing (Petition); and,**
- b. **WIEC's Motion for Admission *pro hac vice* of Robert M. Pomeroy, Jr.; Mark A. Davidson; Thorvald A. Nelson; and Robyn A. Kashiwa (Motion).**

Blair Bales, Commission Counsel, said notice was received from PRECorp after the agenda was published that the company has no objections to the petition of WIEC to intervene. There were no further comments or questions. Ms. Bales recommended granting both the petition for leave to intervene and the motion for admission *pro hac vice* of the listed attorneys. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion.

2. Docket No. 70212-1-TA-09 (Record No. 12031) Application of NetTalk.com for a certificate of public convenience and necessity to provide local telecommunications services in Wyoming. Commission to consider and act on application. Barbara Taylor-Iversen, CAS, provided a technical memo dated June 8, 2009. Company representatives responded to Commission and staff questions regarding the financial capability of the company, interconnection agreements with existing providers, services to be offered and how those services would be provided. Bill Rodriguez, CFO of NetTalk.com, said the financial statements provided, showing recurring losses, were typical for a company in its developmental stage. Nick Kyriakedes said NetTalk.com has received certification in 21 states and currently has an interconnection agreement with Qwest Corporation for service in Wyoming. There were no further comments or questions. Victoria Hansen, Commission Counsel, said the financial statements do not indicate the necessary ability to meet statutory requirements, and she said it was her opinion it would not be in the public interest to approve the application at this time. Ms. Hansen recommended denial of the application, without prejudice. Deputy Chairman Oxley agreed the company has not shown sufficient financial ability to provide the

planned services, and he moved to deny the application as recommended. Chairman Minier concurred and advised the company of its ability to submit another application if it could provide documentation sufficient to satisfy the statutory requirement for financial ability.

3. **Docket No. 62015-9-RA-09 (Record No. 12173) Request of Verizon Wireless for abatement of penalties of \$11,389.41 assessed for late payment of 2008/2009 uniform assessment. Commission to consider and act on request.** Larry Zepetella of Verizon Wireless said the accountant in charge of making the payments was new and was unable to access the necessary database to issue a check prior to the payment deadline. Mr. Zepetella said the company has previously made its payments on time and is requesting an abatement of the penalties for this one instance. Chris Petrie, Commission Chief Counsel, said he does not view the circumstances for non-payment as extraordinary and said the Commission has traditionally not waived such penalties except in extreme circumstances. The Commissioners agreed this was not a situation which should have prevented payment of the assessment, and they agreed granting the request would set an unfavorable precedent. Deputy Chairman Oxley moved to deny the request, and Chairman Minier concurred.

Set date and time for next Open Meeting.

A full audio transcript of the meeting is available upon request.

Next Regular Open Meeting: Tuesday, June 16, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 4th day of September 2009.

Alan B. Minier, Chairman

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

Tuesday, June 16, 2009
1:30 p.m.

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

Walter Eggers, local counsel for Wyoming Industrial Energy Consumers
Mike McBride, Lower Valley Energy, Inc. (by telephone)
Dave Mosier, Rocky Mountain Power
Daniel Solander, counsel for Rocky Mountain Power (by telephone)
Mark Tallman, Rocky Mountain Power/PacifiCorp
Jim Webb, Lower Valley Energy, Inc. (by telephone)

Commission Advisory Staff (CAS): Jess Bottom, Victoria Hansen, Dave Lucero, Marci Norby

CONSENT AGENDA ITEMS

1. **Docket No. 30018-45-GK-09 (Record No. 12124) Contract filing of Lower Valley Energy, Inc., for the sale and purchase of natural gas with Ultra Resources and a petition for confidential treatment. Commission to consider and act on contract filing and petition.** Chairman Minier introduced the consent agenda item. There were no comments, questions or requests to withdraw the item for further consideration. Dave Lucero, Commission Counsel, recommended issuing a Letter Order, effective immediately and signed by Commission counsel, approving the petition and placing of the contract in the Commission's files. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred.

REGULAR AGENDA ITEMS

1. **Docket No. 30018-44-GR-09 (Record No. 12092) Application of Lower Valley Energy, Inc., (Lower Valley) for approval of a general rate increase of \$1,781,682 and a pass-on commodity cost decrease of \$2,283,879 for a net general system decrease of \$1,002,192. Commission to consider and act on application.** Jess Bottom, CAS, provided a technical memo dated June 10, 2009. Mike McBride of Lower Valley said the general rate increase is primarily from construction costs for the natural gas pipeline which was completed and placed into service on June 3, 2009. However, he said, this is offset by a decrease in the natural gas commodity cost. Mr. McBride said residential and commercial customers would realize a decrease of approximately 13.7% and large commercial customers would receive a decrease of approximately 15.5%. He added that the return on rate base would be 6.81%, which is still below the currently-

authorized 7% rate of return. There were no further comments or questions. Victoria Hansen, Commission Counsel, recommended approval of the application by Notice and Order, effective immediately but on an interim basis, to allow Lower Valley time to determine if its costs associated with the pipeline are appropriately reflected in its revenue requirement. Interim approval would also allow the company time to track its actual cost of service revenues associated with the new pipeline. Ms. Hansen recommended the rates be approved for usage on and after June 3, 2009, saying Lower Valley did file its application in sufficient time to be heard before that date and the delay was through no fault of the company. Deputy Chairman Oxley moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

2. **Docket No. 20000-345-EA-09 (Record No. 12131) Application of Rocky Mountain Power (RMP) for a certificate of public convenience and necessity to construct the new 28.5 MW McFadden Ridge Wind Project. Commission to consider and act on Rocky Mountain Power's Motion for Expedited Treatment or, Alternatively, Conditional Approval of Application.** Dave Mosier, RMP, said circumstances have changed since the motion was filed, and he requested the Commission table the item. Mr. Mosier said RMP has been working with the intervenors who are now satisfied with the current schedule to hear this matter at an open meeting on June 25, 2009. Walter Eggers, local counsel for Interwest Energy Alliance, said Interwest has withdrawn its request to intervene and has no objections to the current schedule. There were no further comments or questions. Rather than table the item, Chairman Minier moved to deny the motion for expedited treatment. Deputy Chairman Oxley seconded the motion, and Commissioner Lewis concurred.

A full audio transcript of the meeting is available upon request.

Next Regular Open Meeting: Thursday, June 18, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 4th day of September 2009.

Alan B. Minier, Chairman

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

Thursday, June 18, 2009
1:30 p.m.

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

Dale Cottam, local counsel for Accenture
David Gibson, EnTelegent Solutions, Inc. (by telephone)
Eric Nelsen, counsel for SourceGas Distribution, LLC (by telephone)
Kelley Pearson, local counsel for SourceGas Distribution, LLC

Commission Advisory Staff (CAS): Blair Bales, Shirley McCown, Steve Mink, Chris Petrie, Tom Wilson

CONSENT AGENDA ITEMS

1. Undocketed. Open Meeting Minutes for review by the Commission for the Regular Open Meetings of:

January 27, 2009	February 19, 2009
February 3, 2009	February 24, 2009
February 10, 2009	March 4, 2009

Deputy Chairman Oxley introduced the consent agenda item and noted that the minutes for the meeting of March 4, 2009, have been withdrawn from consideration.

Commissioner Lewis moved to accept the remaining minutes as submitted, and Deputy Chairman Oxley seconded the motion.

REGULAR AGENDA ITEMS

1. Docket No. 30022-107-GI-08 (Record No. 11610) Investigation, upon the Commission's own motion, of the billing practices and procedures of SourceGas Distribution, LLC, (SourceGas) and the impact on its customers. Commission to consider the confidential treatment of the following documents.

- a. **02-11-08, Compliance filing - Confidential Attachments and CD. (Various responses to Letter Order Opening Investigation; Meter Reading Report, Bill Production Error Report, WinterGuard Rebilling Report, Non-Commodity Tariff/Billing Control Report);**
- b. **02-12-08, Multiple Customer Complaints filed by Commission Complaint Staff – Confidential Attachment;**
- c. **02-28-08, Supplemental Compliance Filing - Confidential Attachments. (Duplicate Meter Read Report and 9/2007 Non-Commodity Tariff/Billing Controls);**

- d. 03-07-08, Payment Arrangement, Call Center Instructions and Payment Arrangement Confirmation letters - Confidential Attachments;**
- e. 03-18-08, Transcripts of Video-Conference Hearing Proceedings Vol. II – Confidential CD’s;**
- f. 03-19-08, Copies of Request for Proposal (RFP) and digital recordings; flash drives of call center calls 9-2007 through 2-2008 – Includes Flash Drives which are Confidential;**
- g. 03-21-08, Commission Staff’s Customer Complaints, March 14-20, 2008 - Confidential Attachments;**
- h. 04-16-08, Commission Staff’s Customer Complaints, March 21-April 16, 2008 - Confidential Attachments;**
- i. 05-16-08, Report of Customer Calls - All filed as Confidential (Lists of customers, their complaints, the date received and date resolved.);**
- j. 05-19-08, Written Summary of Call Recordings and CD and Petition for Confidential Treatment. All filed as Confidential (List of complaining customers who spoke with call center and summary of each conversation.);**
- k. 06-04-08, Results of procedures - Confidential Attachments (Service Level Credits and explanation);**
- l. 06-05-08, Web Page Snapshot, Summary of call Recordings on CD - Confidential attachments (CD of phone recordings for customers who testified at the 5-8-08 hearing.);**
- m. 06-20-08, Compliance Filing - Confidential Attachments (11 items identified through the outside audit and explanation of billing service levels, impacts of billing issues, tracking billing calls and non gas vs. gas customers.);**
- n. 07-02-08, Update to 6-20-08 Compliance Filing - Confidential attachments (Update to the 11 items identified in the outside audit.);**
- o. 07-11-08, All Accenture Material/Reports - Confidential Attachments (Customer satisfaction methods, etc.);**
- p. 08-07-08, Compliance Filing - Confidential Attachments (Payment arrangements);**
- q. 08-12-08, Update to 06-20-08 Compliance Filing - Confidential Attachments;**
- r. 08-12-08, Compliance Filing - Confidential Attachments (More updates regarding outside audit and Credit on Service Level Agreements.).**

Steve Mink, Commission Counsel, and Chris Petrie, Commission Chief Counsel, provided a technical memo dated June 16, 2009. Mr. Petrie said the listed material has been accumulated as part of the Commission’s investigation and much of it contains customer-specific information which is confidential in nature. Mr. Petrie said an inventory of the data received is reflected in the above listing, and the information has been treated as confidential even though a petition for such treatment has not been filed. Following a discussion on the applicability of the Administrative Procedures Act and the Commissions Rule 120, Mr. Petrie recommended authorizing by Order the confidential status of the items described. Commissioner Lewis moved to issue an Order, effective immediately, granting confidentiality to all items listed in Agenda Item 1.a.-r. pursuant to Rule 120. Deputy Chairman Oxley seconded the motion. Further discussion resulted in a

decision to transfer data submitted on numerous “flash” drives by SourceGas to CDs for the Commission files and then return the drives to SourceGas.

2. **Docket No. 70213-1-TA-09 (Record No. 12077) Application of EnTelegent Solutions, Inc., (EnTelegent) for a certificate of public convenience and necessity to provide local telecommunications services in Wyoming and Petition for Confidential Treatment (Petition). Commission to consider and act on application and Petition.** Tom Wilson, CAS, provided a technical memo dated June 16, 2009. David Gibson, EnTelegent, said his company primarily offers managed billing consulting services to larger enterprise customers and would like to include telecommunications as part of their services. Mr. Gibson said the company does not plan to offer residential service and has been certified in several other states already. There were no further comments or questions. Blair Bales, Commission Counsel, recommended approval of the application by Order only, effective immediately, and approval of the petition as the financial information provided is proprietary and could materially damage the company if made public. Commissioner Lewis moved to approve the application by Order only, effective immediately, and grant the petition for confidential treatment. Deputy Chairman Oxley seconded the motion.

A full audio transcript of the meeting is available upon request.

Next Regular Open Meeting: Tuesday, June 23, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 6th day of October 2009.

Alan B. Minier, Chairman

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

Minutes of Regular Open Meeting

Tuesday, June 23, 2009

1:30 p.m.

Commissioners: Chairman Alan B. Minier, presiding
Deputy Chairman Steve Oxley

Commission Advisory Staff (CAS): Victoria Hansen, Dave Lucero, Chris Petrie, Barbara Taylor-Iversen

CONSENT AGENDA ITEMS

- 1. Docket No. 70000-1425-TK-09 (Record No. 12154) Qwest local services platform agreement with Digital Telecommunications, Inc. Commission to consider and act on filing.**
- 2. Docket No. 20000-342-ET-09 (Record No. 12047) Application of Rocky Mountain Power to establish an Avoided Cost Methodology for customers that do not qualify for Tariff Schedule 37 - Avoided Cost Purchases from Qualifying Facilities. Commission to consider and act on Rocky Mountain Power's Motion for Approval of a Protective Order.**
- 3. Undocketed. Open Meeting Minutes for review by the Commission for the Regular Open Meeting of March 4, 2009.**

Chairman Minier introduced the consent agenda items. There were no comments, questions or requests to withdraw an item for further consideration. Victoria Hansen, Commission Counsel, provided the following recommendations: Item 1, issue a Letter Order authorizing placement of the agreement in the Commission files; Item 2, issue a Letter Order granting the motion, with both Letter Orders to be signed by Commission Counsel. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion. Deputy Chairman Oxley then moved to approve the open meeting minutes in Item 3 as submitted, and Chairman Minier seconded the motion.

A full audio transcript of the meeting is available upon request.

Next Regular Open Meeting: Friday, June 26, 2009, at 2:00 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 6th day of October 2009.

Alan B. Minier, Chairman

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

Thursday, June 25, 2009
1:30 p.m.

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

Greg Duval, Rocky Mountain Power (by telephone)
Lindsey Dwyer, Intern, Black Hills Corporation (by telephone)
Walter Eggers, local counsel for Wyoming Industrial Energy Consumers
Roger Fransen, local counsel for Rocky Mountain Power
Bryan Henning, Environmental Consultant for Rocky Mountain Power
Gerard Howe, Big River Telephone Company (by telephone)
Chris Johnson, PacifiCorp Energy
Terri Keta, Consultant for Rocky Mountain Power (by telephone)
Chris Kilpatrick, Black Hills Corporation (by telephone)
Dave Mosier, Rocky Mountain Power
Daniel Solander, counsel for Rocky Mountain Power
John Sundahl, local counsel for Cheyenne Light, Fuel and Power
Andrew Schwantner, Big River Telephone Company (by telephone)
Mark Tallman, Rocky Mountain Power/PacifiCorp

Office of Consumer Advocate (OCA): David McMullian, Denise Parrish

Commission Advisory Staff (CAS): Laura Arellano, Blair Bales, Jess Bottom, Vicky Hansen, Barbara Iversen, Steve Mink, Marci Norby, Chris Petrie

CONSENT AGENDA ITEMS

1. **Docket No. 20000-342-EA-09 (Record No. 12047) Application of Rocky Mountain Power to establish an avoided cost methodology for customers that do not qualify for tariff schedule 37- avoided cost purchases from qualifying facilities. Commission to consider and act on Rocky Mountain Power's Motion for Protective Order.**
2. **Docket No. 74413-7-TA-09 (Record No. 12095) Matter of DSLnet Communications, LLC for Confidential Treatment of its 2008 Annual Report. Commission to consider and act on DSLnet's Petition for Confidential Treatment of certain portions of its 2008 Annual Report.**
3. **Docket No. 70048-13-TA-09 (Record No. 12094) Matter of DSLnet Communications, LLC for Confidential Treatment of its 2008 Annual Report. Commission to**

consider and act on DSLnet's Petition for Confidential Treatment of certain portions of its 2008 Annual Report.

4. Undocketed. Open Meeting Minutes for review by the Commission for the Regular Open Meeting of February 27, 2009.

Chairman Minier introduced the consent agenda items. There were no comments, or questions. Vicky Hansen, Commission Counsel, stated that Item 1 should be removed as it has already been acted on. She then recommended issuing a Letter Order for Items 2 and 3, effective immediately and signed by Commission counsel, approving DSLnet's Petitions for Confidential Treatment of portions of their 2008 Annual Reports. Deputy Chairman Oxley moved to act as recommended, Commissioner Lewis seconded the motion and Chairman Minier concurred. Deputy Chairman Oxley then moved to approve the open meeting minutes in Item 4 as submitted, Commissioner Lewis seconded the motion and Chairman Minier concurred.

REGULAR AGENDA ITEMS

- 1. Docket No. 70215-1-TA-09 (Record No. 12133) Application of Big River Telephone Company, LLC, for a certificate of public convenience and necessity to provide local telecommunications services in Wyoming and Petition for Confidential Treatment. Commission to consider and act on application.** Tom Wilson, CAS, provided a technical memo dated June 25, 2009. Gerard Howe, CEO, and Andrew Schwantner, Manager of Contract Administration, appeared by telephone on behalf of Big River Telephone Company. Mr. Howe stated that Big River is proposing to expand its local exchange telecommunications services by partnering with cable television providers to provide telecommunications services to customers located within the cable providers' service areas. There were no further comments or questions. Mr. Wilson recommended approval of the application and the Petition for Confidential Treatment by order only, effective immediately. Deputy Chairman Oxley moved to take action as recommended, Commissioner Lewis seconded the motion and Chairman Minier concurred.
- 2. Docket No. 20000-345-EA-09 (Record No. 12131) Application of Rocky Mountain Power (RMP) for a Certificate of Public Convenience and Necessity to construct the 28.5 MW McFadden Ridge I wind project, petition for confidential treatment and the June 12, 2009, Rocky Mountain Power and Wyoming Industrial Energy Consumer's (WIEC) Joint Request for Expedited Hearing and Conditional Approval of Certificate of Public Convenience and Necessity (CPCN). Commission to consider and act on application, Petition for Confidential Treatment and Joint Request for Expedited Hearing and Conditional Approval of CPCN.** Marci Norby and David Piroutek, CAS, provided a technical memo dated June 23, 2009. Roger Fransen, local counsel; Daniel Solander, counsel; David Mosier, Wyoming Regulatory Affairs Manager; Chris Johnson, Principal Project Manager for Wind Development; Mark Tallman, Vice President of PacifiCorp; and, Brian Henning, Environmental Consultant, appeared in person for RMP. Gregg Duval, Director of Net Power Costs, and Terri Keta, Consultant, appeared for RMP by telephone. Walter Eggers, counsel,

appeared in person for WIEC. Mr. Tallman stated the goal of this project is to help meet electric service obligations in Wyoming since its loads are expected to grow. He explained the conditional approval is due to a time-limited opportunity because the project's construction site is near the High Plains wind project which allows RMP to share the same contractor without additional expense and General Electric is willing to deliver the turbines in 2009. Mr. Tallman also stated the federal stimulus package allows a special depreciation treatment for wind generation projects during 2009 as does the Economic Stimulus Act of 2008, which allows for a special depreciation bonus. Mr. Eggers stated he had no comments or recommendations. There were no further comments or questions. Ms. Norby recommended approval of the application and the Petition for Confidential Treatment by order only, effective immediately. She also recommended the Commission require RMP to file its final engineering specifications when they become available and comply with the construction reporting requirements pursuant to Commission Rule. Deputy Chairman Oxley moved to take action as recommended, Commissioner Lewis seconded the motion and Chairman Minier concurred.

3. **Docket No. 70009-342-TT-09 (Record No. 12166) Tariff filing of United Telephone Company of the West d/b/a Embarq, for authority to increase the Federal Universal Service Fund (FUSF) credit applied to charges assessed for local lines in the Lingle, LaGrange and West Lyman exchanges. Commission to consider and act on tariff filing.** Art Schmidt, CAS, provided a technical memo dated June 22, 2009. Jim Roberts, Embarq's Senior Manager, Regulatory Affairs, appeared by telephone. Ivan Williams, OCA counsel, and Denise Parrish, OCA Deputy Administrator, appeared in support of their filed comments. Mr. Roberts stated Embarq's filing proposes to implement the benchmark recommendations and calculations in Docket No. 90072-29-XO-09. Ms. Parrish stated the application itself does not pose problems; but, when combined with other aspects to determine the customer bill, it appears to be in violation of past Commission standards and shows WUSF is providing more support than the 130% benchmark. Blair Bales, Commission counsel, stated the OCA participated in the proceedings in the previous docket and did not express any concerns at that time. She also questioned whether this was the appropriate docket for OCA to voice its concerns. Ms. Bales stated that if there was an error, staff could recalculate using the tariffed rate as of the end of 2008. There were no further comments or questions. Vicky Hansen, Commission counsel, recommended approval of the application by notice and order, effective July 1, 2009. Deputy Chairman Oxley moved to take action as recommended, Commissioner Lewis seconded the motion and Chairman Minier concurred.
4. **Docket No. 30005-129-GP-09 (Record No. 12161). The application of Cheyenne Light, Fuel and Power Company for authority to pass on a wholesale gas cost increase of \$0.4119 per decatherm for firm and interruptible rate classes beginning July 1, 2009. Commission to consider and act on the Company's application and Petition for Confidential Treatment.** Jess Bottom provided a technical memo dated June 22, 2009. John Sundahl, local counsel, appeared on behalf of the Company. Chris Kilpatrick, Director of Rates for Black Hills Corporation, and Lindsey Dwyer, Accounting Intern, appeared on behalf of the Company via telephone. Mr. Kilpatrick

stated the purpose of the filing was to adjust the Company's projected gas commodity costs which are higher than those in its currently effective gas sales rate. He requested that the change be effective for service rendered on and after July 1, 2009. Mr. Sundahl provided a brief summary in support of the Company's petition for confidential treatment. There were no further comments or questions. Steve Mink, Commission counsel, recommend approval of the application and the Petition for Confidential Treatment by notice and order, effective immediately. Deputy Chairman Oxley moved to take action as recommended, Commissioner Lewis seconded the motion and Chairman Minier concurred.

Next Regular Open Meeting: Friday, June 26, 2009, at 1:30 p.m.

Prepared by: Angie Elliott

ACCEPTED and APPROVED by the Commission on the 28th day of October 2009.

Alan B. Minier, Chairman

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

Friday, June 26, 2009
2:00 p.m.

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

Commission Advisory Staff (CAS): Victoria Hansen, Dave Lucero, Chris Petrie, Barbara Taylor-Iversen

REGULAR AGENDA ITEMS

1. **Docket No. 90072-29-XO-09 (Record No. 12101) The funding requirement and proposed assessment factor for the July 2009-June 2010 fiscal year of the Wyoming Universal Service Fund. Commission to consider and act on:**
 - a. **Qwest Corporation's (Qwest) Petition for Rehearing; and**
 - b. **Office of Consumer Advocate's (OCA) Petition for Rehearing.**

This item was reported by Wyoming Reporting Service, and a transcript of the proceedings may be obtained from that office. Chairman Minier moved to deny both petitions. Deputy Chairman Oxley seconded the motion, and Commissioner Lewis concurred.

2. **Docket No. 70000-1434-TT-09 (Record No. 12183) Tariff filing of Qwest Corporation for authority to revise its federal and state universal service fund (USF) credits as reflected in its tariffs and modify the Telephone Assistance Program Tribal Lifeline customers' net rate. Commission to consider and act on application.**

Due to the length of time taken on Item 1, Commissioner Lewis moved to table this item until another date. Deputy Chairman Oxley seconded the motion, and Chairman Minier concurred.

Next Regular Open Meeting: Friday, June 26, 2009, at 2:00 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 8th day of September 2009.

Alan B. Minier, Chairmana

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

Tuesday, June 30, 2009
2:00 p.m.

Commissioners: Chairman Alan B. Minier, presiding
Deputy Chairman Steve Oxley

Bruce Asay, local counsel for Montana-Dakota Utilities Co.
Bryan Lee, Frannie-Deaver Utilities, Inc. (by telephone)
Rita Mulkern, Montana-Dakota Utilities Co. (by telephone)

Commission Advisory Staff (CAS): Laura Arellano, Blair Bales, Michelle Bohanan, Jess Bottom, Dave Lucero, Chris Petrie

CONSENT AGENDA ITEMS

- 1. Docket No. 10014-111-CT-09 (Record No. 12127) Application of Powder River Energy Corporation for authority to revise its rules and regulations pertaining to security deposits. Commission to consider issuing a Special Order Authorizing One Commissioner and/or Hearing Examiner to conduct public hearing.** Chairman Minier introduced the consent agenda item. There were no comments, questions or requests to withdraw the item for further consideration. Blair Bales, Commission Counsel, recommended issuing the Special Order, effective immediately. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion.

REGULAR AGENDA ITEMS

- 1. Docket No. 30007-90-GP-09 (Record No. 12186) Application of Frannie-Deaver Utilities, Inc. (Frannie-Deaver) for authority to pass on a commodity balancing account decrease of \$0.3652 per MCF. Commission to consider and act on application.** Jess Bottom, CAS, provided a technical memo dated June 22, 2009. Bryan Lee of Frannie-Deaver said the application represents a decrease in the projected commodity cost and would affect service for July, August and September 2009. There were no further comments or questions. Mr. Bottom recommended approval of the application by Notice and Order, effective immediately, for usage on and after July 1, 2009. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion.
- 2. Docket No. 30013-219-GP-09 (Record No. 12174) Application of Montana-Dakota Utilities Co. MDU) for authority to pass on a wholesale gas cost increase of \$0.222 per Dth for residential, firm general and interruptible service customers and a wholesale gas cost increase of \$0.226 per Dth for optional seasonal customers.**

Michelle Bohanan, CAS, provided a technical memo dated June 26, 2009. Rita Mulkern, MDU, said the requested adjustment is the result of increases in the market price of gas and an increase in demand for natural gas for electricity generation. Ms. Mulkern said the increase would not change the company's rate of return, and she requested approval of the petition for confidential treatment of Exhibit 3a to the application. Bruce Asay, local counsel for MDU, then responded to the Commission staff request for MDU to file its purchasing contracts per Section 218 of the Commission's Rules. Due to the extremely large number of contracts involved, Mr. Asay asked if MDU could instead file the template used for normal purchasing contracts augmented with samples of actual contracts. Dave Lucero, Commission Counsel, said representative samples of all types of contracts used may be sufficient, but the Commission expressed a desire to see more concrete data. Mr. Asay agreed to work with Commission staff to reach a satisfactory resolution. Ms. Bohanan said there are also concerns about MDU's "gross-up" of the calculation of purchased gas costs. Mr. Asay said he would work with Commission staff and MDU to review and resolve this issue. There were no further comments or questions. Mr. Lucero recommended approval of the application by Notice and Order, effective immediately, for usage on and after July 1, 2009, and for inclusion of provisions reflecting the items requiring resolution. Deputy Chairman Oxley moved to act as recommended and to approve the petition for confidential treatment, and Chairman Minier seconded the motion.

Next Regular Open Meeting: Thursday, July 2, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 8th day of September 2009.

Alan B. Minier, Chairman