

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

Tuesday, May 5, 2009
1:30 p.m.

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

Mary Anderson, Beartooth Electric Cooperative, Inc. (by telephone)
Joan Barron, Casper Star-Tribune
Roger Fransen, local counsel for Qwest Corporation
Jeff Hubbard, Qwest Corporation
Pam Murrell, Beartooth member, Clark, Wyoming (by telephone)
Eric Nelson, Counsel for SourceGas Distribution, LLC (by telephone)
Kelley Pearson, local counsel for SourceGas Distribution, LLC
Ron Roodell, Beartooth Electric Cooperative, Inc. (by telephone)
John Sundahl, counsel for ONEOK Energy Marketing Company
Deb Thomas, PRBRC and CRC (by telephone)
Liz Zerga, counsel for Advanced Communications Technology, Inc.

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

Commission Staff: Blair Bales, Michelle Bohanan, Vicky Hansen, Dave
Lucero, Luy Luong, Steve Mink, Art Schmidt

CONSENT AGENDA ITEMS

1. **Docket No. 70096-24-TA-09 (Record No. 12109) Request of Advanced Communications Technology, Inc., for confidential treatment of its 2008 Annual Report. Commission to consider and act on Petition for Confidential Treatment of Portions of 2008 Annual Report.** Commission advisory staff: Vicky Hansen.

Deputy Chairman Oxley introduced the consent agenda and asked if there were any requests to remove the item for further consideration. There were no such requests or any comments or questions. Vicky Hansen, Commission Counsel, recommended approval of the Petition for Confidential Treatment of Portions of the 2008 Annual Report by order only, effective immediately. Commissioner Lewis moved to act as recommended, and Deputy Chairman Oxley seconded the motion.

REGULAR AGENDA ITEMS

1. **Docket No. 30022-107-GI-08 (Record No. 11610) The investigation, upon the Commission's own motion, of the billing practices and procedures of SourceGas Distribution, LLC, and the impact on its customers. Commission to consider and act**

on ONEOK Energy Marketing Company's (ONEOK) Petition to Intervene. Mr. John Sundahl, local counsel for ONEOK, appeared in person and summarized the Petition stating there has been an increase in SourceGas customer complaints regarding inaccurate bills for the gas supplied by ONEOK to SourceGas. ONEOK has been unable to reconcile its accounting records with those provided by SourceGas because SourceGas is using incorrect customer codes in its billings to ONEOK customers, prompting customer calls inquiring about the appropriateness of the billing rates. Mr. Sundahl stated that since these are billing issues, an intervention is appropriate. Mr. Eric Nelson, counsel for SourceGas, appeared by telephone and stated SourceGas and ONEOK had been working closely to resolve these issues. He did not object to ONEOK's intervention but would like certain conditions placed on ONEOK should the Petition be approved. After discussion, Deputy Chairman Oxley stated this matter is an investigatory docket opened on the Commission's own motion and therefore not subject to intervention. He stated ONEOK should present all information relating to incorrect billing issues to SourceGas and that doing so does not require party status. There were no further comments or questions. Deputy Chairman Oxley moved to deny ONEOK's Petition and directed ONEOK to file a formal complaint should the need arise. Commissioner Lewis seconded the motion.

2. **Docket No. 30022-107-GI-08 (Record No. 11610) The investigation, upon the Commission's own motion, of the billing practices and procedures of SourceGas Distribution, LLC, and the impact on its customers. Commission to consider and act on the City of Gillette's Petition to Intervene.** Mr. Charles Anderson, City Attorney, appeared by telephone on behalf of Gillette and summarized the Petition, stating that Gillette has experienced an increase in complaints from SourceGas customers. He also stated Gillette was in the process of considering a new franchise agreement; and, during the course of drafting the agreement, the City has had to deal with billing issues raised by residents. Gillette is reluctant to complete the franchise agreement until SourceGas has resolved its billing issues. He emphasized Gillette's desire to monitor the proceedings. Mr. Eric Nelsen, counsel for SourceGas, appeared by telephone and stated he did not object to Gillette's intervention but would like certain conditions placed on Gillette should the Petition be approved. After discussion, Deputy Chairman Oxley stated this matter is an investigatory docket opened on the Commission's own motion and therefore not subject to intervention. There were no further comments or questions. Mr. Steve Mink, Commission Counsel, recommended the Commission deny the Petition to Intervene, place the City of Gillette on the Commission's service listing for future notifications in this matter and direct the City to share all concerns with SourceGas. Commissioner Lewis moved to act as recommended, and Deputy Chairman Oxley seconded the motion.
3. **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 Leave to Intervene and a Request for Hearing;**
 - B. **Qwest's Petition for Confidential Treatment; and**

C. Office of Consumer Advocate's (OCA) Motion for Authority to Share Company Specific Information.

A. Mr. Roger Fransen, local counsel for Qwest, appeared in person and summarized Qwest's Petition for Leave to Intervene and Request for Hearing, stating Qwest seeks to intervene because there is an opportunity for hearing and this is the sort of case where intervention is appropriate. He added that a contested case type hearing is also appropriate. Mr. Fransen stated he thought the Commission should broadly interpret Rule 113 and allow Qwest's intervention. Commission Counsel, Ms. Blair Bales, presented information on the legal concept of legislative exception and stated the Commission has acted properly by having an information-gathering hearing to determine legislative facts every year since the inception of the WUSF. Mr. Ivan Williams, Senior Counsel for the OCA, stated that he welcomed Qwest's involvement regardless of the forum. After further discussion, Deputy Chairman Oxley stated that because a legislative-type hearing allows Qwest to participate and gives due process, there is no need to intervene. Commissioner Lewis moved to deny the Petition for Leave to Intervene and Deputy Chairman Oxley seconded the motion.

B. Mr. Roger Fransen, local counsel for Qwest, appeared in person and summarized Qwest's Petition for Confidential Treatment stating certain information provided in Qwest's comments regarding the WUSF and information in Qwest's Confidential Exhibits are considered proprietary information and are confidential in nature. There were no further comments or questions. Mr. Art Schmidt, Commission Advisory Staff, recommended Qwest's Petition for Confidential Treatment be granted. Commissioner Lewis moved to act as recommended, and Deputy Chairman Oxley seconded the motion.

C. Mr. Ivan Williams, Senior Counsel for the OCA, appeared in person and summarized OCA's Motion for Authority to Share Company Specific Information stating that because the OCA had filed a confidential version of its Comments, Qwest had requested OCA provide certain confidential information from those Comments that relates specifically to Qwest. Ms. Blair Bales, Commission Counsel, had no objection to the Motion. Deputy Chairman moved to grant OCA's Motion and Commissioner Lewis seconded.

- 4. Docket No. 10017-15-CR-08 (Record No. 11914) Amended application of Beartooth Electric Cooperative, Inc., for a general rate increase to its Wyoming customers of \$255,873 per annum. Commission to consider and act on the Company's proposed rate schedules filed to comply with the Commission's direction with regard to rate structure.** Michelle Bohanan and Don Biedermann, Commission Advisory Staff (CAS), provided a technical memo dated April 30, 2009. Mr. Ronald Roodell and Ms. Mary Anderson appeared by telephone on behalf of Beartooth and summarized the proposed rate schedules. Mr. Roodell stated that following the April 21, 2009 hearing, Beartooth was directed by the Commission to restructure its rates consistent with the appropriate revenue requirement, rate spread and rate design, which they did with the help of Commission Staff. There were no further comments or questions. Mr. Dave Lucero, Commission Counsel, recommended approval of the rate schedule effective May 20,

2009. Commissioner Lewis moved to act as recommended and Deputy Chairman Oxley seconded the motion.

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

Next Regular Open Meeting: Friday, May 7, 2009, at 1:30 p.m.

Prepared by: Angie Elliott

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

Alan B. Minier, Chairman

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

Thursday, May 7, 2009
3:00 p.m.

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

Rick Brown, Powder River Energy Corporation
Mike Easley, Powder River Energy Corporation
Roger Fransen, local counsel for Vista West Water Company
Ray Frigo, Powder River Energy Corporation
Paul Lowham, Vista West Water Company (by telephone)
Curtis Mock, Powder River Energy Corporation
Thor Nelson, counsel for Wyoming Industrial Energy Consumers (by telephone)
Alison Roberts, Powder River Energy Corporation

Commission Staff: Don Biedermann, Dave Lucero, Luy Luong, Steve Mink

REGULAR AGENDA ITEMS

1. **Docket No. 80007-30-WP-09 (Record No. 12081) Application of Vista West Water Company (Vista West) for authority to pass on a wholesale water cost increase from the City of Casper of \$0.07 per 1,000 gallons of water purchased. Commission to consider and act on application.** Luy Luong, Commission Advisory Staff (CAS), provided a technical memo dated May 4, 2009. Roger Fransen, local counsel for Vista West, said the application is to pass on an increase from the City of Casper, from whom Vista West purchases all its water supply. Mr. Fransen said the increase was implemented January 1, 2009, and he said Vista West is requesting an effective date of May 8, 2009. Paul Lowham of Vista West explained how line losses are calculated and what is being done to control the losses. There were no further comments or questions. Mr. Luong recommended approval of the application by Notice and Order, effective immediately, for usage on and after May 8, 2009. Dave Lucero, Commission Counsel, also recommended public notice be provided through publication in newspapers rather than through bill inserts. Deputy Chairman Oxley moved to approve the application as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

2. **Docket No. 10014-110-GT-09 (Record No. 12106) Application of Powder River Energy Corporation (PRECorp) for approval to revise Section VI of its Rules and Regulations of Service and related regulations of service and related coal bed methane (CBM) rate schedules. Commission to consider and act on application.** Don

Biedermann, CAS, provided a technical memo dated April 8, 2009. Prior to consideration of the application, Thor Nelson, counsel for the Wyoming Industrial Energy Consumers (WIEC), said the coalition has reached a resolution and wishes to withdraw the petition to intervene filed by WIEC. Chairman Minier pointed out that the petition was not filed prior to the deadline, and moved for discussion to deny the petition. After discussion, the Chairman renewed the motion to deny the petition to intervene. Deputy Chairman Oxley seconded the motion, and Commissioner Lewis concurred. Mike Easley, the PRECorp CEO, then explained the requested changes. Mr. Easley said the company has experienced large growth in the high-risk CBM industry and has been working with the customers to develop these tariffs and regulations. He said the new proposal would include a 100% customer contribution up front for construction and would suspend the current 3-mill surcharge for the retirement of unused CBM electric infrastructure and institute a 5 mill surcharge designed to defray the cost of constructing common infrastructure useful to CBM customers. Mr. Easley also explained how the resulting funds would be retired and the accounting methods used to track the funds. He said meetings were held with the CBM producers to discuss the changes, and registered letters were sent to all customers, inviting them to the November regular board meeting. There were no further comments or questions. Mr. Biedermann recommended approval of the application by Order only, effective immediately, with the tariffs to be effective June 1, 2009. Deputy Chairman Oxley moved to act as recommended and requested, in addition, PRECorp provide copies of the written materials provided to the customers and a list of the customers who received the materials. 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, May 8, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

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

Alan B. Minier, Chairman

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

Friday, May 8, 2009
1:30 p.m.

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

Dale Cottam, counsel for Wyoming Gas Company
Walter Eggers, local counsel for Frontier Oil Corporation
Thor Nelson, counsel for Frontier Oil Corporation
Randy Reed, local counsel for Cheyenne Light, Fuel and Power Company
Jennifer Scoggin, Frontier Oil Corporation
Mark Stege, Cheyenne Light, Fuel and Power Company
Michael Van Cassell, Wyoming Tribune-Eagle

Office of Consumer Advocate (OCA): Bryce Freeman

Commission Staff: Blair Bales, Victoria Hansen, Dave Lucero, Luy Luong, Art Schmidt

CONSENT AGENDA ITEMS

- 1. Docket No. 30009-48-GR-08 (Record No. 11924) Application of Wyoming Gas Company for a general rate increase in the amount of \$1.607 million per year. Commission to consider and act on Wyoming Gas Company's Request for Leave to Present Witnesses Thomas J. Sullivan and Larry W. Loos by telephone.**

- 2. Docket No. 20003-103-EP-09 (Record No. 12057) Application of Cheyenne Light, Fuel and Power Company (Cheyenne Light) for authority to pass on a Power Cost Adjustment (PCA) increase of \$0.00561 per kilowatt hour for the period April 1, 2009, through March 31, 2010. Commission to consider:**
 - a. Frontier Oil Corporation's (Frontier) Petition for Leave to Intervene, Protest and Request for Hearing, and**
 - b. Motion for Admission *Pro Hac Vice* of Robert M. Pomeroy, Jr., Mark A. Davidson, Thorvald A. Nelson and Robyn A. Kashiwa.**

Chairman Minier introduced the consent agenda items and said a request was made to remove Item 2 for further discussion. There were no comments or questions regarding Item 1. Victoria Hansen, Commission Counsel, recommended approval of that item by Order only, effective immediately, to be signed by Commission Counsel. Commissioner Lewis moved to act as recommended, and Chairman Minier seconded the motion. Deputy Chairman Oxley was not present for this action. Chairman Minier asked if there were any

objections to the Motion for Admission *pro hac vice* in Item 2. There were none, and Deputy Chairman Oxley moved to approve the petition. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

Further proceedings on Consent Agenda Item No. 2:

Randy Reed, local counsel for Cheyenne Light, said the company believes Frontier is seeking to re-litigate issues already decided in the last general rate case. However, Mr. Reed said Cheyenne Light does not have any objection to the petition to intervene. Thorvald Nelson, representing Frontier, said Frontier believes the rates in this application were set by Commission Order in the last general rate case and are thus subject to review to determine if the requested PCA rates are prudent and reasonable. Victoria Hansen, Commission Counsel, said the item under consideration at this open meeting is the petition for intervention. She said public notice has been issued for the PCA application with a protest deadline, and she said Rule 113 does support the intervention. Consequently, since Cheyenne Light does not object to the petition, Ms. Hansen recommended approval of Frontier's request without any comment on its merits. Mr. Reed verified the requested rates are already in effect subject to refund and there would be no delay in implementation of the PCA as a result of the petition. There were no further comments or questions. Deputy Chairman Oxley moved to approve the petition to intervene. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

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

Next Regular Open Meeting: Wednesday, May 13, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

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

Alan B. Minier, Chairman

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

Minutes of Regular Open Meeting

Wednesday, May 13, 2009

1:30 p.m.

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

Commission Staff: Blair Bales

CONSENT AGENDA ITEMS

- 1. Docket No. 30009-48-GR-08 (Record No. 11924) Application of Wyoming Gas Company for a general rate increase in the amount of \$1.607 million per year. Commission to consider issuing a Special Order Authorizing One Commissioner and/or Hearing Examiner to Conduct Public Hearing.**
- 2. 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 issuing a Special Order Authorizing One Commissioner and/or Hearing Examiner to Conduct Public Hearing.**
- 3. Docket No. 90000-102-XO-08 (Record No. 11687) Proposed Adoption of Revised Rule 500. Commission to consider issuing a Special Order Authorizing One Commissioner and/or Hearing Examiner to Conduct Public Hearing.**

Chairman Minier introduced the consent agenda and asked if there were any requests to remove an item for further consideration. There were no such requests or any comments or questions. Blair Bales, Commission Counsel, recommended approval of the three items. 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: Friday, May 15, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

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

Alan B. Minier, Chairman

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

Friday, May 15, 2009
1:30 p.m.

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

Dave Agee, Town of Walden, Colorado (by telephone)
Carl Billek, IDT America Corp. (by telephone)

Commission Staff: Michelle Bohanan, Steve Mink, Art Schmidt

REGULAR AGENDA ITEMS

1. **Docket No. 30019-21-GP-09 (Record No. 12141) Application of Town of Walden for authority to pass on a gas cost decrease of \$7.77 per Dth through its commodity balancing account. Commission to consider and potentially act on the application.** Michelle Bohanan, Commission Advisory Staff (CAS), provided a technical memo dated May 13, 2009. Dave Agee, consulting finance agent for the Town of Walden, said the application would return an overcollected balance to customers over a seven-month period rather than the normal amortization period of six months set out in the tariffs. Mr. Agee said this would return the excess amount to the customers by March 2010, without causing any cash flow problems. 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. Deputy Chairman Oxley moved to approve the application as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

2. **Docket No. 70106-1-TA-09 (Record No. 12086) Application of IDT America Corp., for a concurrent certificate of public convenience and necessity to provide local telecommunications services in the areas presently served by TCT West, Inc., and for recognition of status as a carrier providing competitive services pursuant to W. S. §37-15-202(c).** Art Schmidt, CAS, provided a technical memo dated May 12, 2009. Carl Billek of IDT America Corp. said the company is seeking authority to provide services in the territory of TCT West, Inc., in Wyoming. Mr. Billek said IDT America Corp. would provide voice communications to end users of cable television services through an agreement with Bresnan Communications. He said the services provided are similar to those already approved by the Commission for IDT's operations in Qwest Corporation's Wyoming service territories. Mr. Schmidt said the application seeks to expand existing territory, and he believes the competitive status is justified. There were no further comments or questions. Steve Mink, Commission Counsel, recommended approval of the application by Order only, effective immediately. 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, May 15, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

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

Alan B. Minier, Chairman

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

Tuesday, May 26, 2009
1:30 p.m.

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

Edie Ortega, CenturyTel of Wyoming, Inc. (by telephone)

Office of Consumer Advocate (OCA): David McMullian

Commission Advisory Staff (CAS): Blair Bales, Don Biedermann,
Victoria Hansen, Dave Lucero, Steve Mink, Tom Wilson

CONSENT AGENDA ITEMS

- 1. Docket Nos. 70000-1419-TK-09 and 70212-2-TK-09 (Record No. 12113) Contract filing of Qwest Corporation for authority to enter into an Unbundled Network Elements, Ancillary Services and Resale Interconnection Agreement with NetTalk.Com, Inc. Commission to consider and act on contract filing.**
- 2. Docket No. 70000-1421-TK-09 (Record No. 12114) Contract filing of Qwest Corporation for authority to enter into a Resale Interconnection Agreement with Virtual Network Solutions, Inc. Commission to consider and act on contract filing.**
- 3. Docket Nos. 70000-1422-TK-09 and 70027-85-TK-09 (Record No. 12115) Contract filing of Qwest Corporation for authority to enter into a DC Power Measurement Amendment to its Interconnection Agreement with MCImetro Access Transmission Services, LLC. Commission to consider and act on contract filing.**
- 4. Docket No. 20000-344-EA-09 (Record No. 12128) Compliance Report of Rocky Mountain Power for sales, leases or dispositions of certain utility plant or facilities. Commission to consider acceptance of compliance report.**
- 5. Undocketed. Open Meeting Minutes for review by the Commission for the Emergency Open Meeting of December 18, 2008.**

Chairman Minier introduced the consent agenda items. There were no comments, questions or requests to remove any item for further consideration. Steve Mink, Commission Counsel, recommended approval of Items 1 through 4 by Order only, effective immediately. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred. Commissioner

Lewis then moved to accept the open meeting minutes as submitted. Deputy Chairman Oxley seconded the motion, and Chairman Minier concurred.

REGULAR AGENDA ITEMS

1. **Docket No. 70003-120-TT-09 (Record No. 12129) Tariff filing of CenturyTel of Wyoming, Inc., (CenturyTel) for authority to correct the rate listed for the special fee for the communications impaired. Commission to consider and act on the filing.** Tom Wilson, CAS, provided a technical memo dated May 21, 2009. Edie Ortega, CenturyTel, said the filing is to correct the rates for the telephone assistance program which have been listed incorrectly in the tariff for several years. Ms. Ortega said the correct rates are being charged at this time, and she said all funds collected have been paid to the Wyoming Department of Vocational Rehabilitation (DVR). Mr. Wilson said staff will continue to investigate, and he said he has been working with DVR to verify the amounts paid into the fund. There were no further comments or questions. Blair Bales, Commission Counsel, recommended approval of the tariff by Notice and Order, with the tariffs to be effective this date. Ms. Bales added a request that CenturyTel resubmit the tariffs with the proper effective date within five business days. Deputy Chairman Oxley moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

2. **Docket No. 90000-108-XO-09 (Record No. 12111) Proposed revisions to certain sections of the Wyoming Public Service Commission's rules for housekeeping purposes. Commission to consider issuing an Order Initiating Rulemaking.** Victoria Hansen, Commission Counsel, said the Commission's rules have been reviewed and the proposed changes are being made to offer clarity, recognize the OCA, delete references to obsolete rules, and to correct grammar and punctuation. Ms. Hansen said no substantive changes are being proposed. She said approval of the changes has been received from the Attorney General's office, and permission is now being requested to open a docket to initiate a formal rulemaking proceeding. There were no further comments or questions. Ms. Hansen recommended an Order be issued, effective immediately, initiating a rulemaking proceeding. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred.

3:00 p.m.

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

Martie Jo Dunlap, customer of Qwest Corporation (by telephone)
Jason Hendricks, Range Telephone Companies
Jeff Hubbard, Qwest Corporation
Dee Rosendahl, customer of Qwest Corporation (by telephone)
Tiny Walker, customer of Qwest Corporation (by telephone)

Commission Staff: Shirley McCown, Chris Petrie, Art Schmidt, Tom Wilson

3. Docket No. 90000-104-XI-08 (Record No. 11698) The Commission's investigation on its own motion into the Quality and Reliability of Telecommunications Service Provided by Telecommunications Companies Providing Service in the State of Wyoming. Commission to receive public comment concerning an extended service outage affecting Qwest Corporation customers in the Black Mountain area.

Comments regarding service problems in the Black Mountain area were given by Sharon Walker, Dee Rosendahl and Martie Jo Dunlap, residents in that area, to the effect that service has been extremely unreliable for the past three or four years. Ms. Dunlap said service seems to be much worse during the winter and customers do not have any alternative services, such as cellular service, at their location. The customers responded to Commission questions regarding impacts of the outages and contacts with Qwest Corporation to correct the problems. Jeff Hubbard, Qwest Corporation, explained the company's plans to improve service for the area and the difficulties in maintaining or replacing the existing equipment. Mr. Hubbard said a new system is planned but will take some time to install. As a result of the discussions, the Commission requested a report from Qwest Corporation on possible temporary solutions to the outage problems, the requirements and costs of repairing or replacing the current equipment, and whether or not the equipment is located on state or federal land. No further action was requested or taken.

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

Next Regular Open Meeting: Friday, May 29, 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, May 29, 2009
1:30 p.m.

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

Bruce Asay, local counsel for Montana-Dakota Utilities Co.
Ben Breland, SourceGas Distribution, LLC
Gratia Carver, SourceGas Distribution, LLC
Dax Collins, accountant for Vista West Water Company
Roger Fransen, local counsel for Vista West Water Company
Bruce Gallagher, Montana-Dakota Utilities Co. (by telephone)
Kent Harris, SourceGas Distribution, LLC
Jeff Hubbard, Qwest Corporation
Dan Moyland, Montana-Dakota Utilities Co. (by telephone)
Rita Mulkern, Montana-Dakota Utilities Co. (by telephone)
Eric Nelsen, counsel for SourceGas Distribution
Ann Robinson, customer of Vista West Water Company (by telephone)
Don Wolcott, customer of Vista West Water Company (by telephone)

Commission Advisory Staff (CAS): Blair Bales, Jess Bottom, Angie Elliott, Dave Lucero, Luy Luong, Shirley McCown, Steve Mink, Chris Petrie, Dave Piroutek, Art Schmidt, Barbara Taylor-Iversen, Tom Wilson, Darrell Zlomke

CONSENT AGENDA ITEMS

- 1. Docket Nos. 70023-104-TK-09 and 70000-1423-TK-09 (Record No. 12117) Contract filing of Qwest Corporation for authority to enter into a collocation engineering and installation labor charges amendment to the interconnection agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc., doing business as PAETEC Business Service.**
- 2. Docket No. 10016-51-CC-09 (Record No. 12073) Complaint filing by Charles W. Wilson against Wyrulec Company requesting a formal hearing regarding their net metering tariffs. Commission to consider issuing a Special Order Appointing One Commissioner and/or Hearing Examiner to conduct public hearing.**
- 3. Undocketed. Open Meeting Minutes for review by the Commission for the Regular Open Meeting of January 20, 2009.**

Chairman Minier introduced the consent agenda items. There were no comments, questions or requests to remove an item for further consideration. Steve Mink, Commission Counsel, recommended approval of Items 1 and 2 by Order only, effective immediately. 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 minutes in Item 3 as submitted. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

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. SourceGas Distribution to introduce new customer service personnel to Commission.** Ben Breland, SourceGas, provided an update on the transition of the company to its new in-house billing and customer service system. He said SourceGas is planning to complete the transition to the new call center in Arkansas on September 1, 2009. Mr. Breland also introduced the new Director of Customer Care, Gratia Carver, who will be working with the new customer care personnel and preparing for the September 1 launch. There was no further action taken or requested at this time.
- 2. Docket No. 80007-29-WR-08 (Record No. 12012) Application of Vista West Water Company (Vista West) for a general rate increase in the amount of \$100,076. Commission to consider and act on request for Interim Rate Increase of \$52,578.** Luy Luong, CAS, provided a technical memo dated May 26, 2009. Roger Fransen, local counsel for Vista West, said an interim rate increase would be in effect for approximately four months until the Commission's hearing, and he said the company recognizes the possibility that a refund may be required if the rate increase is not approved as requested. Mr. Fransen said interim approval is being requested because the company is in difficult financial circumstances and anticipates it will not have enough cash flow to meet operating expenses for the year. Mr. Fransen and Dax Collins, accountant for Vista West, responded to Commission and intervenor questions regarding the company's indebtedness, equipment expenses and the need for additional cash prior to the rate case hearing. The intervenors, Ann Robinson and Don Wolcott, also expressed their concerns about Vista West's financial status. There were no further comments or questions. Commissioner Lewis moved to grant the request for an interim rate increase as requested as failure to do so might impose even more costs on Vista West's customers. Deputy Chairman Oxley noted that the increase would, in all likelihood, be in place for only four months, and Chairman Minier agreed approval might forestall further financial difficulties. Deputy Chairman Oxley seconded the motion to approve the interim increase effective June 1, 2009, and Chairman Minier concurred.

Note: Commissioner Lewis left the meeting and did not participate in the remaining agenda items.

3. **Docket Nos. 30013-217-GS-09 (Record No. 12137) and 20004-79-ES-09 (Record No. 12136) Application of Montana-Dakota Utilities Co. (MDU) and MDU Resources Group, Inc., for authority to issue an additional 3,000,000 shares of common stock, par value \$1.00 per share, in connection with its 401(k) Retirement Plan.**
Commission to consider and act on request. Jess Bottom, CAS, provided a technical memo dated May 26, 2009. Bruce Asay, local counsel for MDU, said the additional stock would give eligible employees who elect to participate a convenient means to defer income under the company's 401(k) retirement plan. Mr. Asay said this authority would replace one previously approved by the Commission. Mr. Bottom said the application does meet the requirements of our statutes, notably W.S. §§ 37-6-101, *et seq.*. There were no further comments or questions. Dave Lucero, Commission Counsel, recommended approval of the application by Order only, effective immediately. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.
4. **Docket No. 30013-218-GP-09 (Record No. 12146) Application of Montana-Dakota Utilities Co. (MDU) for authority to pass on a wholesale gas cost decrease of \$0.220 per decatherm for residential, firm general service, and interruptible customers and \$0.216 per decatherm for seasonal customers. Commission to consider and act on application and MDU's Petition for Confidential Treatment of Exhibit 3(a), pages 1, 2 and 3.** Jess Bottom, CAS, provided a technical memo dated May 26, 2009. Rita Mulkern of MDU said the application is the purchased cost adjustment for June and is a decrease due to a reduction in commodity costs. Ms. Mulkern said the decrease would not affect the company's rate of return and complies with Commission Rules 249 and 250. There were no further comments or questions. Dave Lucero, Commission Counsel, recommended approval of the application and the petition for confidential treatment by Notice and Order, effective immediately, for service on and after June 1, 2009. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.
5. **Docket No. 90000-104-XI-08 (Record No. 11698) The Commission's investigation on its own motion into the quality and reliability of telecommunications service provided by telecommunications companies providing service in the State of Wyoming. Commission to receive public comment from individuals in person or by telephone.** The complainants in this matter were not available, but Jeff Hubbard of Qwest Corporation said technicians are working to repair the section of cable which is defective and causing the reported problems in the Lusk, Wyoming, area. Mr. Hubbard said the cable has probably absorbed water due to the wet spring, adding that the network manager for Wyoming informed him the section will be replaced within the coming month. No further action was taken or requested. Shirley McCown, Commission Complaints Staff, said she would inform the customers of the status of repairs.

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

Next Regular Open Meeting: Tuesday, June 2, 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