

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

Wednesday, November 5, 2008
10:00 a.m.

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

Walter Eggers, local counsel for MGTC, Inc.
Shannon Swanson, MGTC, Inc. (by telephone)

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

Commission Staff: Jess Bottom, Victoria Hansen, Steve Mink

REGULAR AGENDA ITEMS

1. **Docket No. 30003-45-GP-08 (Record No. 11907) Application of MGTC, Inc., for authority to pass on a gas cost decrease of \$4.4811 per MCF for residential and commercial customers and a decrease of \$4.2333 per MMBtu for industrial customers effective November 1, 2008. Commission to consider and act on application.** Jess Bottom, Commission Advisory Staff (CAS), provided a technical memo dated October 9, 2008. Walter Eggers, local counsel for MGTC, Inc., said the company appeared before the Commission in June to apply for its regular annual pass-on cost adjustment based on projected costs at that time. Since then, wholesale costs have been much lower than projected; and MGTC is therefore seeking permission for an out-of-period decrease. Shannon Swanson of MGTC, Inc., said the proposed rate is still an increase of approximately 27% over the rate at the same time last year. 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 November 1, 2008. Commissioner Byrnes moved to take action as recommended, and Chairman Lewis seconded the motion.

2. **Docket No. 20003-98-EA-08 (Record No. 11893) Application of Cheyenne Light, Fuel and Power Company (Cheyenne Light) for an accounting order to establish a regulatory asset for Demand Side Management Programs. Commission to consider and act on request.** Don Biedermann, CAS, provided a technical memo dated November 3, 2008. Steve Mink, Commission Counsel, said Cheyenne Light personnel are unable to attend the meeting and have asked that the matter be tabled until a later date. Mr. Mink said the OCA expressed no objections to the delay. There were no further comments or questions. Commissioner Byrnes moved to table the item until further notice, and Chairman Lewis seconded the motion.

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

Next Open Meeting: Friday, November 7, 2008, at 10:00 a.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 27th day of January, 2009.

Kathleen A. “Cindy” Lewis, Chairman

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

Friday, November 7, 2008
1:00 p.m.

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

Mary Anderson, Beartooth Electric Cooperative, Inc. (by telephone)
Ben Breland, SourceGas Distribution, LLC
Len Mize, SourceGas Distribution, LLC
Eric Nelsen, counsel for SourceGas Distribution, LLC
Kelley Pearson, local counsel for SourceGas Distribution, LLC
John Prinkki, Beartooth Electric Cooperative, Inc. (by telephone)
Ann Tuffin, SourceGas Distribution, LLC
Helen Wells, SourceGas Distribution, LLC
Lindsay Woznick, local counsel for Accenture

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

Commission Staff: Luy Luong, Steve Mink, David Piroutek, Barbara Taylor-Iversen, Darrell Zlomke

REGULAR AGENDA ITEMS

1. **Docket No. 10017-16-CS-08 (Record No. 11922) Application of Beartooth Electric Cooperative, Inc. (Beartooth), for authority to borrow \$9,895,000 from Rural Utilities Service. Commission to consider and act on the application.** Luy Luong, Commission Advisory Staff (CAS), provided a technical memo dated November 3, 2008. Mary Anderson of Beartooth said the funds to be borrowed would be used for a four-year work plan which includes improvements to service in Wyoming. Ms. Anderson said some of the projects have already taken place under a prior bridge loan approved by the Commission, and she said much of the construction is to accommodate new growth in the area. Mr. Luong verified some of the proceeds would be used to repay the bridge loan and that the transaction meets all statutory requirements. There were no further comments or questions. Mr. Luong recommended approval of the application by Order only, effective immediately, as public notice is not normally required for securities filings. Commissioner Byrnes moved to take action as recommended, and Chairman 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, (SourceGas) and the impact on its customers. Commission to consider and act on the Company's Petition for Confidential Treatment of Agreement filed on October 22, 2008, and to receive an update concerning the Company's efforts to resolve its billing issues.** Helen Wells of SourceGas provided an update on billing

issues and information requests provided in previous Letter Orders. She also provided information on a new problem in which tax was not computed and included on bills for customers on budget billing. Ms. Wells said this would be corrected in the November billing cycle. Upon completion of the update, Eric Nelsen, counsel for SourceGas, requested the Commission, prior to further discussion, grant its request for confidential treatment of the agreement to transition from the use the services of a third party customer service provider to in-house customer service filed on October 22. Mr. Nelsen said the terms and conditions in the agreement are highly sensitive but added that the OCA has been provided a copy for review. Bryce Freeman of the OCA said his office has reviewed the agreement and does not oppose the request for confidential treatment. Steve Mink, Commission Counsel, recommended approval of the petition for confidential treatment by Order only, effective immediately. Commissioner Byrnes moved to take action as recommended, and Chairman Lewis seconded the motion. Ben Breland, SourceGas, then reviewed the terms and conditions set out in the agreement and plans to implement the transition. SourceGas was requested to provide continued updates and an estimate of costs associated with implementation of the agreement. The company was also requested to provide a report by December 8, 2008, on the current billing issues, including provision of a spreadsheet indicating current problems, the number of affected customers and status of each issue. Chairman Lewis also proposed SourceGas provide quarterly updates, beginning in January, on the billing and transition issues.

A full audio transcript of the non-confidential portions of the meeting is available upon request.

Next Open Meeting: Friday, November 21, 2008, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 19th day of February 2009.

Kathleen A. "Cindy" Lewis, Chairman

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

Friday, November 21, 2008
1:30 p.m.

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

Gary Abbate, SourceGas Distribution (by telephone)
Bruce Asay, local counsel for Energy West Wyoming
Barbara Brohl, counsel for Qwest Corporation (by telephone)
Monique Burns, BullsEye Telecom, Inc. (by telephone)
Kevin Degenstein, Energy West Wyoming (by telephone)
Roger Fransen, local counsel for Vista West Water Company
Bill Griffith, Rocky Mountain Power (by telephone)
Jed Henthorne, Energy West Wyoming (by telephone)
Jeff Hubbard, Qwest Corporation
Chris Kilpatrick, Cheyenne Light, Fuel and Power (by telephone)
Peter LaRose, BullsEye Telecom, Inc. (by telephone)
Harley McKinney, local counsel for Gosars Unlimited
Bill Meckling, SourceGas Distribution, LLC (by telephone)
Rita Mulkern, Montana-Dakota Utilities (by telephone)
Eric Nelson, counsel for SourceGas Distribution, LLC (by telephone)
Lynn Norsworthy, Qwest Corporation
Kelley Pearson, local counsel for SourceGas Distribution, LLC
Brad Samuels, Energy West Wyoming (by telephone)
Richard Schneebeck, Hirst and Applegate
John Sundahl, local counsel for Cheyenne Light, Fuel and Power and for
Embarq

Office of Consumer Advocate (OCA): Bryce Freeman, David McMullian,
Denise Parrish, Kimber Wichmann, Amy Zamora

Commission Staff: Blair Bales, Don Biedermann, Michelle Bohanan, Jess
Bottom, Victoria Hansen, David Lucero, Luy Luong, Steve Mink, Marci
Norby, David Piroutek, Art Schmidt, Barbara Taylor-Iversen, Tom Wilson,
Darrell Zlomke

CONSENT AGENDA ITEMS

- 1. Docket No. 70009-316-TT-08 (Record No. 11791) Tariff filing of United Telephone Company of the West, d/b/a Embarq, for authority to withdraw the tariff pages filed in this matter that were proposed to be effective on July 1, 2008, and to replace them with pages that include embedded federal universal service funding in the local access line rate for all exchanges, thereby increasing all local exchange rates by \$3.48 per month**

before application of universal service support. The new sheets are filed pursuant to a stipulation with the Office of Consumer Advocate approved at Commission deliberations on October 24, 2008. The new tariff sheets are proposed to become effective December 1, 2008.

- 2. Docket Nos: 70000-1388-TK-08 and 70206-2-TK-08 (Record No. 11847) Contract filing of Qwest Corporation for authority to enter into an unbundled network elements, ancillary services, and resale of telecommunications services interconnection agreement with Clertech.com, Incorporated. Commission to consider and act on the interconnection agreement.**
- 3. Docket No. 70009-323-TK-08 and 70108-13-TK-08 (Record No. 11913) Contract filing of United Telephone Company of the West, db/b/a Embarq, for authority to enter into an Interconnection Agreement with Granite Telecommunications, LLC. Commission to consider and act on contract filing.**
- 4. Docket Nos. 70000-1403-TK-08 and 70054-6-TK-08 (Record No. 11952) Contract filing of Qwest Corporation of a Qwest Local Service Platform (QLSP) Agreement with QuantumShift Communications, Inc., d/b/a vCom Solutions. Commission to consider and act on contract filing.**

Chairman Lewis introduced the consent agenda and asked if there were any requests to withdraw an item for further consideration. There were no such requests nor any further comments or questions. Dave Lucero, Commission Counsel, made the following recommendations: Item 1, issue a letter approving the compliance filing effective December 1, 2008; Items 2 and 3, issue an Order approving the agreements, effective immediately; and Item 4, issue a letter to the company acknowledging receipt of the agreement, and place the agreement in the Commissions files. Deputy Chairman Oxley moved to accept staff's recommendations. Commissioner Minier seconded the motion, and Chairman Lewis concurred.

REGULAR AGENDA ITEMS

- 1. Docket No. 70116-14-TA-08 (Record No. 11896) Application of BullsEye Telecom, Inc., to expand its Certificate of Public Convenience and Necessity to provide local exchange telecommunications services in areas served by United Telephone Company of the West, d/b/a Embarq. Commission to consider and act on application and Petition for Confidential Treatment under Rule 120.** Luy Luong, Commission Advisory Staff (CAS), provided a technical memo dated November 18, 2008. Monique Burns of Bullseye Telecom said the application is to expand its service area to include Embarq's service area. Ms. Burns said an interconnection agreement with Embarq has already been approved, and she requested approval of a request for confidential treatment of the company's financial information. John Sundahl, local counsel for Embarq, requested any approval by the Commission be issued on a Notice and Order basis to allow Embarq to review the information. There were no further comments or questions. Mr. Luong recommended the Commission grant the petition for confidential treatment and approve the application by

Notice and Order, effective immediately. Deputy Chairman Oxley moved to take action as recommended. Commissioner Minier seconded the motion, and Chairman Lewis concurred.

2. **Docket No. 20000-277-ER-07 (Record No. 11249) Application of Rocky Mountain Power (RMP) for approval of a general rate increase of approximately \$36.1 million per year for retail electric utility service in Wyoming, and for approval of a new renewable resource mechanism and marginal cost pricing tariffs. Commission to consider Motion for Extension of Time to File a Report regarding the Big Horn Irrigator's experience and level of satisfaction with Schedule 40.** Bill Griffith of RMP said a meeting was held with the irrigators on October 3, 2008. RMP agreed at that meeting to provide data for 2007 and 2008 for the irrigators to review; however, sugar beet processing has been in process and there was no time to adequately review the data to prepare an in-depth report. As a result, RMP, with the agreement of the irrigators, would like to extend the deadline to March 15, 2009, to allow a complete review of the data. There were no further comments or questions. Marci Norby, CAS, recommended approval of the motion with an Order only, effective immediately. Deputy Chairman Oxley moved to approve the motion as recommended. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
3. **Docket No. 70000-1379-TT-08 (Record No. 11771) Tariff filing of Qwest Corporation (Qwest) for authority to revise its federal Universal Service Fund (FUSF) and the Telephone Assistance Program Tribal Lifeline Credits. Commission to consider and act on compliance tariffs.** Barbara Taylor-Iversen and Art Schmidt, CAS, provided a technical memo dated November 17, 2008. Jeff Hubbard, Qwest, said the tariff filing was made to comply with the Commission's Order in Docket No. 90000-28-XO-08 and has a requested effective date of November 26, 2008. There were no further comments or questions. Blair Bales, Commission Counsel, recommended approval of the tariffs and acceptance for filing as submitted. Deputy Chairman Oxley moved to take action as recommended. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
4. **Docket No. 70000-1387-TA-08 (Record No. 11843) Qwest Corporation's 2008 annual ETC certification filing pursuant to PSC rule section 514. Commission to consider approval of the Company's draft Request for Proposal (RFP).** Tom Wilson, CAS, provided a technical memo dated November 13, 2008. Jeff Hubbard of Qwest said the RFP is being submitted as required by the Commission for approval to issue the RFP to potential vendors. Several modifications were requested by staff and Commissioners to clarify some legal language, the data to be used and the final deliverable desired to determine whether funds have or have not been distributed properly for each month of the program. Steve Mink, Commission Counsel, recommended approval of the modified RFP. Deputy Chairman Oxley reviewed the requested changes and moved to approve the RFP with a final review to be conducted by Commission staff prior to its release. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
5. **Docket No. 30013-210-GP-08 (Record No. 11958) Application of Montana-Dakota Utilities Co. (MDU) for authority to pass on a wholesale gas cost decrease of \$0.288 per decatherm to its residential, general services and interruptible customers and a decrease of \$0.287 per decatherm to its optional seasonal customers. Commission to consider and act on the application and MDU's request that application Exhibit 3(a),**

pages 1, 2 and 3, be designated as confidential under Section 120 of the Commission's Rules. Jess Bottom, CAS, provided a technical memo dated November 18, 2008. Rita Mulkern of MDU said the decrease is due a reduction in the cost of gas and slightly higher storage levels. She said the change would not increase the company's rate of return, complies with Rules 249 and 250 and current tariffs. Ms. Mulkern also requested approval of the petition for confidential treatment. There were no further comments or questions. Mr. Bottom recommended approval of the petition for confidential treatment and of the application by Notice and Order, effective immediately, for service rendered on and after December 1, 2008. Deputy Chairman Oxley moved to approve the petition and application as recommended. Commissioner Minier seconded the motion, and Chairman Lewis concurred.

6. **Docket No. 30022-124-GP-08 (Record No. 11947) Application of SourceGas Distribution, LLC, (SourceGas) for a decrease in rates of \$2.067 per Dth for the Casper Division Pass-On Rate [Regulated Rate] customers to be effective December 1, 2008. Commission to consider and act on the application and the Petition for Confidential Treatment of Exhibit E.** Michelle Bohanan, CAS, provided a technical memo dated November 12, 2008. Deputy Chairman Oxley noted that the decrease should have been noticed as \$2.0617 rather than \$2.067, and Commission staff, OCA staff and SourceGas' counsel agreed this was not a material difference and could be corrected by Notice and Order if the application were approved. Gary Abbate, SourceGas, said the request is a regular quarterly adjustment and reflects a decrease in the wholesale commodity cost, and increases in the commodity balancing account surcharge and the working gas storage adjustment. Mr. Abbate said the result would be a decrease for the average residential customer of 17% compared to December and an increase of approximately 20% over the same period last year. There were no further comments or questions. Vicky Hansen, Commission Counsel, recommended approval of the petition for confidential treatment and the application by Notice and Order, effective immediately, for service on and after December 1, 2008. Deputy Chairman Oxley moved to approve the petition and application as recommended. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
7. **Docket No. 30022-125-GP-08 (Record No. 11948) Application of SourceGas Distribution, LLC, (Gillette Division) for authority to pass on through its commodity balancing account a decrease of \$2.5464 per decatherm to its Pass-On Rate [Regulated Rate] customers. Commission to consider and act on the application and a Petition for Confidential Treatment of Exhibit E attached to its application.** Jess Bottom, CAS, provided a technical memo dated November 19, 2008. Gary Abbate, SourceGas, said the request is for a regular quarterly adjustment for the Gillette Division. Mr. Abbate said the average bill would reflect a decrease of approximately 20% compared to December but an increase of approximately 8% over the same time last year. There were no further comments or questions. Mr. Bottom recommended approval of the petition for confidential treatment and of the application by Notice and Order, effective immediately, for service on and after December 1, 2008. Deputy Chairman Oxley moved to take action as recommended. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
8. **Docket No. 30022-126-GP-08 (Record No. 11949) Application of SourceGas Distribution, LLC, for a decrease in rates of \$2.0207 per Dth for the Torrington**

Division Pass-On Rate [Regulated Rate] customers, effective December 1, 2008, and for a Petition for Confidential Treatment of Exhibit E. Commission to consider and act on application and petition. Marci Norby, CAS, provided a technical memo dated November 19, 2008. Gary Abbate, SourceGas, said the overall decrease is the result in a decrease in wholesale commodity costs and increases in the commodity balancing account surcharge and working gas storage adjustment. He said additional information was included in this filing to provide normalized annual earnings using an updated test period as requested in a Commission Order of September 23, 2008. Amy Zamora of the OCA said there were still questions regarding the inclusion of certain assets in the rate base calculations, but added that the OCA has no objection to this application and believes the company is still within the authorized rate of return. Ms. Norby confirmed her calculations also indicate SourceGas is earning within its authorized rate of return. There were no further comments or questions. Ms. Norby recommended approval of the application by Notice and Order, effective immediately, for usage on and after December 1, 2008, and also recommended approval of the petition for confidential treatment. Deputy Chairman Oxley moved to take action as recommended, noting the OCA was justified in filing its comments as a precautionary measure. Commissioner Minier seconded the motion, and Chairman Lewis, noting that the OCA has preserved its rights in this docket, concurred with the motion to approve the application.

9. **Docket No. 30005-121-GP-08 (Record No. 11941) Application of Cheyenne Light, Fuel and Power Company (Cheyenne Light) for authority to pass on a wholesale gas cost increase of \$0.1099 per Dth for firm and interruptible rate classes. Commission to consider and act on the application and Petition for Confidential Treatment of Natural Gas Acquisition Strategy and Financial Forecasting.** Michelle Bohanan, CAS, provided a technical memo dated November 12, 2008. Chris Kilpatrick of Cheyenne Light said the request is the result of projected gas costs. The Commission asked Mr. Kilpatrick to include in future applications a comparison of the impact on customers of the current request to the prior year. There were no further comments or questions. Vicky Hansen, Commission Counsel, recommended approval of the application by Notice and Order, effective immediately, for usage on and after December 1, 2008, and approval of the Petition, effective immediately. Deputy Chairman Oxley moved to take action as recommended. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
10. **Docket No. 20003-98-EA-08 (Record 11893) Application of Cheyenne Light, Fuel and Power Company (Cheyenne Light) for an accounting order to establish a regulatory asset for Demand Side Management (DSM) programs. Commission to consider and act on request.** Don Biedermann, CAS, provided a technical memo dated November 3, 2008. John Sundahl, local counsel for Cheyenne Light, said the company would like to segregate expenses related to DSM programs in order to determine if the programs are cost effective. Mr. Sundahl said recovery of these costs is not being requested at this time but will be addressed in a later rate case. Denise Parrish, OCA, expressed her office's concerns, saying Cheyenne Light has not provided sufficient detail in its application. Ms. Parrish recommended approval of the application to defer certain costs, but said deferral should be limited to program costs from this date forward. She said a more detailed plan and discussions on how Cheyenne Light plans to recover these costs are needed. There were no further comments or questions. Steve Mink, Commission Counsel, recommended approval of the application by Order only, effective immediately, with the provisions that there are no

ratemaking implications and that approval be for costs incurred from the date of the Order forward. Deputy Chairman Oxley moved to approve the application as recommended with clarification that approval is for an accounting order only with no certainty of recovery of the costs being tracked. Commissioner Minier seconded the motion, and Chairman Lewis concurred.

- 11. Docket No. 30011-59-GS-8 (Record No. 11943) Application of Energy West Wyoming for authority to issue an additional \$10,000,000 in debt securities. Commission to consider and act on application.** Michelle Bohanan, CAS, provided a technical memo dated November 18, 2008. Bruce Asay, local counsel for Energy West Wyoming, said the additional amount has been approved by the board of directors. Jed Henthorne of Energy West Wyoming said the securities would be a line of credit to fund operating cash needs and purchase of gas for storage as well as capital additions. Mr. Henthorne said this amount could be requested at the same terms and conditions as the prior amounts approved by the Commission in 2007, but, he added, the interest rate has not yet been fixed. There were no further comments or questions. Steve Mink, Commission Counsel, recommended approval of the application by Order only, effective immediately, with the provision that the company be directed to provide any or all agreements for this debt upon execution. In particular, Mr. Mink asked that documentation of the final interest rate be included. Deputy Chairman Oxley moved to approve the application as recommended. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
- 12. Docket No. 80007-28-WP-08 (Record No. 11734) Amended application of Vista West Water Company for authority to pass on an increase of \$0.08 per thousand gallons in its water rates due to an increase by the City of Casper. Commission to consider whether to dismiss the amended application as incomplete or to restart the 10-month rate suspension period under Commission Rule Section 104(d).** Luy Luong, CAS, provided a technical memo dated November 19, 2008. Dave Lucero, Commission Counsel, said the deficiencies in the initial application are being addressed. However, the 10-month suspension period is about to expire with analysis of the application still incomplete. Roger Fransen, local counsel for Vista West Water Company, said the company has no objection to either extending the suspension period or with filing an amended application, whichever is preferable to the Commission. There were no further comments or questions. Deputy Chairman Oxley moved to restart the 10-month period beginning November 20, 2008, the date additional financial data was filed with the Commission. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
- 13. Undocketed. Commission investigation of Gosars Unlimited, LLC, (Gosars) for the purposes of determining whether the company is a public utility subject to Commission regulation under W.S. § 37-2-112. Commission to consider opening up a formal investigation of Gosars Unlimited. Commission to also consider issuing a Special Order Appointing One Commissioner and/or Hearing Examiner to preside over the investigation should one be initiated.** Steve Mink, Commission Counsel, said a customer of Gosars complained to the Commission that Gosars may be submetering municipal water. Mr. Mink said the investigation would gather facts and determine whether Gosars is or is not acting as a public utility under Wyoming statutes. Harley McKinney, counsel for Gosars, said the company operates two trailer courts and is exempt under specific statutes such as W.S. § 37-1-101(a) as it is metering water solely to tenants for their use and not for resale.

After discussion of how the water is connected and billed to the tenants, Chairman Lewis moved to open an investigation into whether Gosars Unlimited is acting as a public utility subject to Commission regulation. Deputy Chairman Oxley seconded the motion, and Commissioner Minier concurred. No action was taken at this time to issue a Special Order Appointing One Commissioner and/or Hearing Examiner for the investigation.

14. Multiple Dockets. Discuss issuance of Orders to Show Cause to the following public utilities regarding why their authority to provide utility service in Wyoming should not be cancelled due to noncompliance with Wyoming Law.

<u>Public Service Commission (PSC)-Annual Report</u>			
Docket No.	Company Name	Docket No.	Company Name
50036-8-TI-08	Anschutz Wahsatch Gathering System, Inc.	70042-13-TI-08	WWC Holding Co., Inc.
50048-4-TI-08	Encore Clear Fork Pipeline, LLC	74626-5-TI-08	Telewest IV, Inc.
70109-6-TI-08	Computer Network Technology Corp.	74664-2-TI-08	Telcentrex, LLC
74636-3-TI-08	Ernest Communications, Inc	74601-4-TI-08	Telrite Corporation
<u>Department of Revenue (DOR)-Utility Assessment Report</u>			
Docket No.	Company Name	Docket No.	Company Name
31002-12-TI-08	Overland Trails Transmission Co.	74206-7-TI-08	Long Distance Charges
70044-6-TI-08	Tel West Communications, Inc.	74570-2-TI-08	iLOKA, Inc.
<u>PSC--Annual Report (Missing Oath and Verification Page Only)</u>			
Docket No.	Company Name	Docket No.	Company Name
74578-2-TI-08	NobelTel, LLC	74643-5-TI-08	Acceris Management and Acquisition LLC
74585-4-TI-08	Maskina Communications, Inc		
<u>PSC & DOR</u>			
Docket No.	Company Name	Docket No.	Company Name
74630-3-TI-08	Advanced Telemanagement Group, Inc.	74096-30-TI-08	Touch 1 Communications, Inc.
74199-4-TI-08	Nations Broadband, Inc	74555-3-TI-08	Telliss, LLC

Vicky Hansen, Commission Counsel, said all listed companies were notified on January 18 and October 7, 2008, to file their annual utility reports with the PSC. Ms. Hansen said an additional list of delinquent companies was provided by the Wyoming Department of Revenue for those which have not filed annual revenue assessment reports with that department. Two companies, Encore Clear Fork Pipeline and Maskina Communications, have now complied with reporting requirements and may be removed from the above list. Another company, Acceris Management and Acquisition, has already sought to have its certificate cancelled and may also be removed from the above list. Ms. Hansen said all

remaining companies still have failed to comply with reporting requirements of the Commission and/or the Department Revenue, and she requested the Commission issue Orders to show cause why their authorities to conduct business in Wyoming should not be cancelled. Chairman Lewis moved to issue the requested Orders with a hearing date to be determined by Ms. Hansen after discussion with the Department of Revenue. Deputy Chairman Oxley seconded the motion, and Commissioner Minier concurred.

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

Next Open Meeting: Wednesday, November 26, 2008, at 9:00 a.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 19th day of February 2009.

Kathleen A. "Cindy" Lewis, Chairman

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

Wednesday, November 26, 2008
9:00 a.m.

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

Aaron Lively, Rocky Mountain Power (by telephone)
Jennifer Byde, Questar Gas Company (by telephone)
Barbara Brohl, Qwest Corporation (by telephone)
Kelly Mendenhall, Questar Gas Company (by telephone)
Lynn Norsworthy, Qwest Corporation (by telephone)

Office of Consumer Advocate (OCA): Bryce Freeman, David McMullian,
Denise Parrish, Kimber Wichmann, Ivan Williams

Commission Staff: Blair Bales, Don Biedermann, Victoria Hansen, David
Piroutek, Art Schmidt, Barbara Taylor-Iversen, Tom Wilson

CONSENT AGENDA ITEMS

- 1. Docket No. 90000-104-XI-08 (Record No. 11698) Commission's investigation on its own motion into the quality and reliability of telecommunications service provided by telecommunication companies providing service in Wyoming. Commission to consider granting Petitions for Confidential Treatment (Petitions) for the following telecommunication companies:**
 - a. CenturyTel of Wyoming, filed September 26, 2008;**
 - b. Tri County Telephone Association, Inc., filed October 2, 2008;**
 - c. All West Communications, filed October 3, 2008;**
 - d. Dubois Telephone Exchange, filed October 3, 2008;**
 - e. Range Telephone Cooperative, filed October 3, 2008;**
 - f. RT Communications, Inc., filed October 3, 2008;**
 - g. United Telephone of the West d/b/a Embarq, filed October 3, 2008;**
 - h. CenturyTel, filed October 9, 2008; and**
 - i. CenturyTel, dated October 21, 2008 (received at Medicine Bow hearing).**

Chairman Lewis introduced the consent agenda item and asked if there were any requests to withdraw it for further consideration. There were no such requests nor any further comments or questions. Blair Bales, Commission Counsel, recommended granting of the listed petitions by Letter Order, effective immediately. Deputy Chairman Oxley moved to accept the recommendation. Commissioner Minier seconded the motion, and Chairman Lewis concurred.

REGULAR AGENDA ITEMS

1. **Docket No. 70104-22-TA-08 (Record No. 11963) Letter Notification of VCI Company (VCI) to Abandon Service, Relinquish its ETC Designation and Certificate of Public Convenience and Necessity (CPCN) in Wyoming. Commission to consider cancellation of VCI's Certificate of Public Convenience and Necessity, cancellation of VCI's Eligible Telecommunications Carrier designation, and issuance of an order requiring VCI to produce customer information and other books and records related to its provision of telecommunications service in Wyoming and the discontinuation thereof.** Barbara Taylor-Iversen, Commission Advisory Staff (CAS), provided a technical memo dated November 24, 2008. Ms. Taylor-Iversen said VCI filed an application on November 17, 2008, to abandon service in Wyoming, stating there were no customers in Wyoming. However, reports filed with the Wyoming Universal Service Fund (WUSF) state VCI has approximately 100 customers, and the federal Universal Service Administrative Company (USAC) stated in conversations with Commission staff that VCI reported nearly 3,000 Wyoming customers and has received federal USF support based on that number. Ms. Taylor-Iversen said after several attempts were made to contact the company to request customer information, Mr. Stan Efferding of VCI was contacted. Mr. Efferding said no termination notice was provided to the customers, no office exists and no files exist to provide the customer information requested by the Commission. Ms. Taylor-Iversen added that legal actions have been initiated in other states, and USAC has stopped payments to VCI for those states. There were no further comments or questions. Ms. Taylor-Iversen recommended cancellation of VCI's CPCN and status as an Eligible Telecommunications Carrier (ETC) in Wyoming by Order only, effective immediately. She also recommended the company be ordered to provide the number of customers served each month of 2008 in Wyoming, a list of customers including addresses and telephone numbers, and produce copies of correspondence sent to Wyoming customers relating to discontinuance of service. Deputy Chairman Oxley moved to authorize a Letter Order, effective immediately to be signed by the Commissioners cancelling the CPCN and ETC status and demanding the customer information as recommended with a 15-day reply period. Further, the Letter Order should contain language stating the case will be referred to the Wyoming Attorney General for further action if there is no response, and a copy of the Letter Order is to be served on VCI's registered agent in Wyoming. Commissioner Minier seconded the motion, and Chairman Lewis concurred. The Commission also requested staff verify that no further USF payments will be made by USAC to VCI for service in Wyoming.

2. **Docket No. 30010-94-GR-08 (Record No. 11846) Application of Questar Gas Company for approval to implement an increase in the non-gas rates and charges for a general rate increase of \$482,980 and for approval of a Conservation Enabling Tariff. Commission to consider and act on Stipulated Joint Motion for Scheduling Order.** Jennifer Bide of Questar Gas Company and Dave McMullian of the OCA presented the proposed schedule for Commission review and approval. Blair Bales, Commission Counsel, said the proposed schedule would only allow one month after the

hearing date to issue an Order before the 10-month time period expires. After some discussion, Deputy Chairman Oxley moved to issue a Letter Order, signed by Commission Counsel, setting the hearing dates for April 1-3, 2009, and asking the parties to resubmit a schedule working with those dates. Commissioner Minier seconded the motion, and Chairman Lewis concurred.

3. **Undocketed. Commission to consider opening a rulemaking proceeding for proposed Commission Rule § 253, Integrated Resource Planning (IRP).** Blair Bales, Commission Counsel, said a draft IRP rule has been written and a technical conference was held to review the language. As a result, opening of a docket is being requested to begin the formal rulemaking process. The draft rule would then be submitted to the Attorney General's and Governor's Offices for approval and thereafter published for public comments. There were no further comments or questions. Deputy Chairman Oxley moved to open a rulemaking proceeding. Commissioner Minier seconded the motion, and Chairman Lewis concurred.
4. **Docket No. 70000-1387-TA-08 (Record No. 11843) Qwest Corporation's 2008 annual ETC certification filing pursuant to PSC Rule section 514. Commission to consider approval of the Company's Revised Request for Proposal (RFP).** Tom Wilson, CAS, provided a technical memo dated November 25, 2008. Barbara Brohl, Qwest Corporation, reviewed the changes made to the RFP as discussed in a prior open meeting and responded to questions from the Commission and the OCA. Mr. Wilson then recommended approval of the revised RFP, including the small changes discussed at this meeting. Chairman Lewis moved to approve the RFP with the additional changes to be reviewed for accuracy by Commission staff. Deputy Chairman Oxley seconded the motion, and Commissioner Minier concurred.

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

Next Open Meeting: Tuesday, December 2, 2008, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 19th day of February 2009.

Kathleen A. "Cindy" Lewis, Chairman