

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

Tuesday, November 3, 2009
1:30 p.m.

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

Bruce Asay, Associated Legal Group

Commission Advisory Staff (CAS): Blair Bales, Brittney Brinkmeier,
Victoria Hansen, Art Schmidt

CONSENT AGENDA ITEMS

- 1. Undocketed. Open Meeting Minutes for review by the Commission for the Regular Open Meetings of July 30 and August 4, 2009.**

Deputy Chairman Oxley moved to approve the minutes listed in Item 1 as submitted. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

REGULAR AGENDA ITEMS

- 1. Docket No. 90072-29-XO-09 (Record No. 12101) Funding requirement and proposed assessment factor for the July 2009 - June 2010 Fiscal Year of the Wyoming Universal Service Fund. Staff to provide update on WUSF line verification to Commission.** Art Schmidt, CAS, provided a technical memo dated October 27, 2009. Mr. Schmidt described how the CAS compared the line count in the Commission's Report to the line count in the USF Annual Report. In conclusion, Mr. Schmidt stated the comparison was fairly close and Staff was encouraged by the outcome. It was noted at the conclusion of the presentation that the Office of Consumer Advocate was not present for this agenda item.

Next Regular Open Meeting: Thursday, November 5, 2009, at 1:30 p.m.

Prepared by: Angie Elliott

ACCEPTED and APPROVED by the Commission on the 8th day of January 2010.

Alan B. Minier, Chairman

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

Thursday, November 5, 2009
1:30 p.m.

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

Bruce Asay, local counsel for Energy West, Inc.
Jed Henthorne, Energy West, Inc. (by telephone)
Andy Sonderman, Energy West, Inc. (by telephone)

Commission Advisory Staff (CAS): Vicky Hansen, Dave Lucero, Luy Luong, Steve Mink

CONSENT AGENDA ITEMS

1. **Docket No. 80022-1-WI-08 (Record No. 11993) Investigation upon the Commission's own motion of Gosar's Unlimited, Inc., 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 issuing a Special Order authorizing one Commissioner or hearing examiner to preside over hearings.**

2. **Multiple Dockets. 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. Commission to consider issuing a Special Order authorizing one Commissioner or hearing examiner to preside over hearings.**

<u>Public Service Commission (PSC)-Annual Report</u>				
Docket No.	Company Name		Docket No.	Company Name
50036-9-PI-09	Anschutz Wahsatch Gathering System, Inc.		70207-2-TI-09	Momentum Telecom
50039-3-PI-09	Interline Crude Gathering Company		74626-6-TI-09	Telewest IV, Inc.
70206-3-TI-09	Clertech.Com, Inc.			
<u>Department of Revenue (DOR)-Utility Assessment Report</u>				
Docket No.	Company Name		Docket No.	Company Name
70098-10-TI-09	iLOKA, Inc.		74284-5-TI-09	Coleman Enterprises, Inc.
70112-4-TI-09	WERCS Communications, Inc.		74570-3-TI-09	iLOKA, Inc.
74094-4-TI-09	LDC Telecommunications, Inc.		74648-2-TI-09	AsiaTalk Telecom, Inc.
74128-4-TI-09	American Cyber Corporation			

<u>PSC--Annual Report (Missing Oath and Verification Page Only)</u>				
Docket No.	Company Name		Docket No.	Company Name
74214-8-TI-09	McLeod USA Telecommunications Services, Inc.		74224-26-TI-09	DeltaCom, Inc.
			80002-14-WI-09	Red Lane Domestic Water, Inc.
<u>PSC & DOR</u>				
Docket No.	Company Name		Docket No.	Company Name
74392-4-TI-09	Airnex Communications, Inc.		74635-4-TI-09	Telmex USA, LLC (PSC O&V Only)
74399-9-TI-09	GTC Telecom			

Chairman Minier introduced the consent agenda items. There were no comments, questions or requests to withdraw an item for further consideration. Steve Mink, Commission Counsel, recommended issuance of Special Orders for Items 1 and 2, effective immediately. Commissioner Lewis moved to act as recommended, and Chairman Minier seconded the motion.

REGULAR AGENDA ITEMS

1. **Docket No. 30011-62-GA-09 (Record No. 12293) Notification filing of Energy West, Inc., (Energy West) of the merger acquisition by its parent company, Energy Inc., of Lightning Pipeline Co., Great Plains Natural Gas Company, Brainard Gas Corp. and Great Plains Land Development Co., Ltd. Commission to consider whether the securities transaction is jurisdictional and take such action as the public interest may require.** Luy Luong, CAS, provided a technical memo dated November 3, 2009. Bruce Asay, local counsel for Energy West, said a prior application of Energy West to purchase certain utilities was approved by the Commission. However, since that time, the structure of the transaction and the resulting company changed and a new application to approve the merger acquisition was submitted. The current structure would place Energy West as a wholly-owned subsidiary of a new parent organization, Energy Inc., which would now be purchasing the other listed utilities. As a subsidiary, Energy West would be on an equal standing with the purchased utilities, and the transaction by Energy Inc. would not be jurisdictional under Wyoming statutes. Mr. Asay said the transaction has been approved in Montana with the addition of ring-fencing provisions to protect the subsidiaries, and he said the company believes those provisions would also be in effect in Wyoming. Mr. Luong said Energy West has provided information to the Commission to indicate it meets the securities tests required in Wyoming. Mr. Mink said the Commission has the right and authority to approve or disapprove the transaction and said ring-fencing provisions would be recommended to ensure the Wyoming utility is not adversely affected. There were no further comments or questions. Mr. Mink recommended approval of the transaction by Order only, effective immediately, with the inclusion of a requirement in the Order to submit a proposal for ring-fencing provisions. Commissioner Lewis moved to issue an Order, effective immediately, finding that Energy West, Inc., Energy Inc., and its affiliates have met the requirements of W.S. § 37-6-102 and are

jurisdictional to the Commission, and further require the filing of a proposal for ring-fencing of Energy West from its parent company, Energy Inc. Chairman Minier seconded the motion.

2. **Undocketed. Commission to receive information from staff and company representatives regarding potential ring fencing provisions to be imposed upon Energy West, Inc., and its parent company Energy, Inc.** This item was discussed and included in the action taken for agenda Item 1.

Next Regular Open Meeting: Tuesday, November 10, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 11th day of February 2010.

Alan B. Minier, Chairman

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

Tuesday, November 10, 2009
1:30 p.m.

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

Ben Breland, SourceGas Distribution, LLC
Angela Bowling, SourceGas Distribution, LLC
Gratia Carver, SourceGas Distribution, LLC (by telephone)
Michael Catterall, SourceGas Distribution, LLC
Jason Hendricks, Dubois Telephone Exchange Inc.
Eric Nelsen, counsel for SourceGas Distribution, LLC
Kelley Pearson, local counsel for SourceGas Distribution, LLC
Mike Kenney, Dubois Telephone Exchange Inc. (by telephone)
Liz Zerga, local counsel for Dubois Telephone Exchange Inc.

Commission Advisory Staff (CAS): Dave Lucero, Steve Mink, Art Schmidt, Tom Wilson

CONSENT AGENDA ITEMS

- 1. Docket No. 90000-109-XO-09 (Record No. 12078) Proposed revisions to Chapter 5, Rule 501(c)(x), Rule 501(c)(xvi), Rule 507(b), Rule 510(b)(i), and Rule 511 (b)(ii) of the Commission Procedural Rules and Special Regulations Regarding Quality of Service. Commission to consider and act on Qwest's petition for confidential treatment of Attachments A and B to the third set of data responses.**
- 2. Docket No. 70000-1446-TK-09 (Record No. 12273) Contract filing of Qwest Corporation for authority to enter into a Local Service Platform (QLSP) agreement with EnTelegent Solutions, Inc. Commission to consider and act on contract filing.**
- 3. Undocketed. Open meeting minutes for review by the Commission for the regular open meeting of August 10, 2009.**

Chairman Minier introduced the consent agenda items. There were no comments, questions or requests to remove an item for further consideration. Dave Lucero, Commission Counsel, recommended issuance of a Letter Order signed by Commission attorney approving the petition in Item 1, and issuance of a letter signed by Commission attorney accepting the contract in Item 2 for placement in the Commission files. 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 as submitted. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

REGULAR AGENDA ITEMS

- 1. Docket No. 70007-53-TA-09 (Record No. 12165) Application of Dubois Telephone Exchange Inc. (DTE) for approval of Phase 2 and Phase 3 of its proposed plan for compliance with W.S. § 37-15-203(j). Commission to consider and act on the proposed Phases 2 and 3 of the plan and the petition for confidential treatment.** Art Schmidt, CAS, provided a technical memo dated November 5, 2009. Liz Zerga, local counsel for DTE, said Phase 1 of the proposed plan went into effect March 1, 2009, and used revenues and line counts for 2008 in its calculations. Ms. Zerga said a new cost study was filed with the current application and meetings were held with the Office of Consumer Advocate and Commission staff to review the proposed Phases 2 and 3. Ms. Zerga said DTE is requesting approval for Phase 2 prices to go into effect on January 1, 2010, and prices for Phase 3 to be effective January 1, 2012. She said Commission staff has asked DTE to submit new data for revenues and line counts in 2011 prior to implementing the Phase 3 pricing. Ms. Zerga said notice has been provided to DTE's customers for the Phase 2 and Phase 3 price changes. In addition to the application, the company filed a petition for confidential treatment of some of the data provided as a release of the information would put the company at a competitive disadvantage. Mr. Schmidt verified that staff questions have been satisfied, and he said the new rates would not affect the current Universal Fund calculations. There were no further comments or questions. Mr. Schmidt and Dave Lucero, Commission Counsel, recommended approval of the petition for confidential treatment and of the Phase 2 rates to be effective January 1, 2010. They further recommended the company submit a filing containing updated information to support the proposed Phase 3 rates at least six months prior to the proposed effective date of January 1, 2012, for Commission approval. Deputy Chairman Oxley moved to issue an Order as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

- 2. 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. Representatives of SourceGas to present information to the Commission concerning the company's transition of billing and customer service functions from a third party to internal operations, including updates on call center hold times and call volumes, instances of failure to bill customers for more than one month, identification of "unknown" meters and billing arrangements for affected customers, how payment arrangements are reflected on bills, and billing issues that have emerged since the transition began, and take such action as the public interest may require.** Ben Breland of SourceGas said the company has been using the new customer care call center for two and a half months and is pleased with the changeover progress. Gratia Carver, manager of the call center, then provided data on performance at the center for the past eight to nine weeks and responded to Commission questions on how calls are handled, employee training, and growth expectations. To provide continuing information on

performance trends, the Commission asked SourceGas to provide monthly reports with this same data to be filed at the beginning of the second business week beginning in December 2009. SourceGas staff also explained the new interactive website customer service features, and they described the company's attempts to locate and provide billing to meters which were not entered into the system during the prior third-party billing contract. No further action was taken at this time.

Next Regular Open Meeting: Thursday, November 12, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 11th day of February 2010.

Alan B. Minier, Chairman

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

Tuesday, November 17, 2009
1:30 p.m.

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

Paul Clements, Rocky Mountain Power
Dave Mosier, Rocky Mountain Power
Daniel Solander, counsel for Rocky Mountain Power (by telephone)

Commission Advisory Staff (CAS): Blair Bales, Don Biedermann, Jess Bottom, Brittney Brinkmeier, Art Schmidt, Tom Wilson

CONSENT AGENDA ITEMS

1. **Docket Nos. 70009-356-TK-09 and 70203-11-TK-09 (Record No. 12304) Contract filing of United Telephone Company of the West, doing business as Embarq, for authority to enter into an interconnection, collocation and resale agreement with Metropolitan Telecommunications of Wyoming, Inc., doing business as Mettel.** Chairman Minier introduced the consent agenda item. There were no comments, questions or requests to remove the item for further consideration. Blair Bales, Commission Counsel, recommended approval of the contract by Order only, effective immediately. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.

REGULAR AGENDA ITEMS

1. **Docket No. 20000-349-EK-09 (Record No. 12290) Application by Rocky Mountain Power of its Purchase Power Agreement between Rocky Mountain Power (RMP), a division of PacifiCorp, and Three Buttes Wind Power, LLC. Commission to consider accepting contract for filing and approving associated Petition for Confidential Treatment of Contract.** Jess Bottom, CAS, provided a technical memo dated November 4, 2009. Dave Mosier of RMP said the agreement is for contracted wind power facilities in the Casper area. Paul Clements, Senior Power Marketing Agent for RMP, described the request for proposal (RFP) and negotiation process. Mr. Clements said this plant is wholly owned by Duke Energy and should be operational by December 31, 2009, and will provide 20 years of power production under this agreement. Mr. Clements responded to Commission questions regarding transmission and facilities costs. In addition, Mr. Clements said RMP retains ownership of the energy credits from this and the following two dockets. There were no further comments or questions. Mr. Bottom recommended issuance of a Letter Order, signed by Commission counsel and effective immediately, placing the contract in the Commission's files with no ratemaking

implications and granting of the petition for confidential treatment. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.

2. **Docket No. 20000-350-EK-09 (Record No. 12291) Application regarding a Purchase Power agreement between Rocky Mountain Power, a division of PacifiCorp, and Chevron U.S.A. Inc. Commission to consider accepting contract for filing and approving associated Petition for Confidential Treatment of Contract.** Don Biedermann, CAS, provided a technical memo dated November 6, 2009. Paul Clements of RMP said this is a five-year contract rather than the normal 20 years, and the facility is expected to be online by November 29, 2009. Mr. Clements said the facility is located on a former Texaco refinery site, will provide approximately 16.5 MW and will interconnect with the system approximately three miles East North East of Casper. There were no further comments or questions. Mr. Biedermann recommended granting the petition for confidential treatment and accepting the contract for filing with no ratemaking implications by Letter Order only, effective immediately and signed by Commission counsel. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.
3. **Docket No. 20000-355-EK-09 (Record No. 12372) Application regarding a Purchase Power Agreement between Rocky Mountain Power, a Division of PacifiCorp, and Top of the World Wind Energy, LLC. Commission to consider accepting contract for filing and approving associated Petition for Confidential Treatment of Contract.** Don Biedermann, CAS, provided a technical memo dated November 6, 2009. Paul Clements of RMP said this project will produce approximately 200.2 MW and will interconnect with the Wind Star Substation currently under construction. He said the project is wholly owned by Duke Energy and construction has not yet begun. There were no further comments or questions. Mr. Biedermann recommended granting the petition for confidential treatment and accepting the contract for filing with no ratemaking implications by Letter Order only, effective immediately and signed by Commission counsel. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.
4. **Docket No. 20000-353-EA-09 (Record No. 12323) Application of Rocky Mountain Power for approval of its (electric utility service) agreement with Big Horn Rural Electric Company (Big Horn) and Brian Pyscher. Commission to consider and act on application.** Don Biedermann, CAS, provided a technical memo dated November 6, 2009. Dave Mosier of RMP said Big Horn and Mr. Pyscher arranged for construction because the customer's property is on the opposite side of the Big Horn River from the closest RMP facilities. Mr. Mosier said construction was completed prior to obtaining approval from the Commission, and the parties are now attempting to rectify that oversight. Mr. Mosier said the agreement is in the same form as three-way contracts previously approved by the Commission. Mr. Biedermann confirmed the terms and conditions agree with those executed in the past. There were no further comments or questions. Mr. Biedermann recommended approval of the application by Order only, effective immediately. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.

5. **Docket No. 90090-4-XO-09 (Record No. 12365) General Order Interest Rate Calculation of Commission Rules §§ 241(c) and 504(f)(iii) for January 1, 2010, through December 31, 2010. Commission to establish the 2010 interest rate pursuant to Commission Rules §§ 241(c) and 504(f)(iii).** Brittney Brinkmeier, CAS, provided a technical memo dated November 12, 2009. Ms. Brinkmeier said the proposed interest rate has been calculated as provided for in Rules 241 and 504, and she said the attachments to the technical memo show rates for U.S. Treasury bonds and bank prime loan rates used in the calculations. Ms. Brinkmeier said the average rate is 1.94%. There were no further comments or questions. Ms. Brinkmeier recommended issuance of a Letter Order, signed by counsel, setting 1.94% as the interest rate for 2010. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.

Next Regular Open Meeting: Thursday, November 17, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 18th day of March 2010.

Alan B. Minier, Chairman

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

Thursday, November 19, 2009
2:00 p.m.

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

Bruce Asay, local counsel for Nordic Ranches Utilities
Joshua Smith, counsel for Nordic Ranches Utilities (by telephone)

Commission Advisory Staff (CAS): Blair Bales, Steve Mink, Chris
Petrie, Art Schmidt, Dave Walker

CONSENT AGENDA ITEMS

- 1. Docket No. 62006-18-RA-09 (Record No. 12270) Application of Union Telephone Company (Union) for designation as an eligible telecommunications carrier statewide. Commission to consider and act on Union's Petition for Confidential Treatment.** 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 the Commission issue a Letter Order granting the petition, effective immediately and signed by Commission counsel. Commissioner Lewis moved to act as recommended, and Chairman Minier seconded the motion.

REGULAR AGENDA ITEMS

- 1. Docket No. 80024-1-WI-09 (Record No. 12255) Investigation, upon the Commission's own motion, of Nordic Ranches Utilities, a nonprofit corporation, to determine whether the company is a public utility subject to Commission regulation under W.S. § 37-2-112. Commission to consider and act on Motion to Allow Clarence and Dorothy Reinhart to Appear by Telephone.** Bruce Asay, local counsel for Nordic Ranches Utilities, said appearance in person would be an inconvenience to Mr. and Mrs. Reinhart and would be difficult due to Mr. Reinhart's medical condition. The Commissioners questioned the timing of the motion and the choice of the Reinharts to leave the area, particularly since all parties have been aware of the hearing schedule for some time. Also questioned was the lack of any medical records to support the affidavit filed by Mr. Reinhart. The Commissioners expressed the desire to have all parties present at the hearing and to not delay the hearing further. Chairman Minier moved to deny the motion, and Commission Lewis seconded the motion.

Next Regular Open Meeting: Friday, November 20, 2009, at 9:00 a.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 18th day of March 2010.

Alan B. Minier, Chairman

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

Friday, November 20, 2009
9:00 a.m.

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

Roger Fransen, local counsel for Vista West Water Company
Ann Robinson, Intervenor (by telephone)
Don Wolcott, Intervenor (by telephone)

Commission Advisory Staff (CAS): Blair Bales, Meridith Bell, Luy
Luong, Art Schmidt, Dave Walker

REGULAR AGENDA ITEMS

1. **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 per annum. Commission to hear oral argument on Vista West's petition for rehearing and act on petition to withdraw.** Roger Fransen, local counsel for Vista West, said the company would like to withdraw its motion for rehearing and ask the Commission to approve the tariff sheet submitted with the motion. Chairman Minier said the Commission has concerns the amount requested by Vista West may be inadequate to support its debt. He pointed out that Vista West has not yet filed the report regarding loan payments requested in the Commission's Order of October 16, 2009. After some discussion and comments by the intervening parties, Deputy Chairman Oxley moved [i] to grant in part the motion to withdraw the petition for rehearing and deny it insofar as it deals with the adequacy of the \$54,000 associated with debt payment; [ii] to grant the petition for rehearing in part and deny it in part based on the same issue; [iii] not to approve the tariff provided with the motion to withdraw pending further action of the Commission to potentially amend its original Order; and [iv] to reschedule submissions on debt amounts by Vista West by December 8, 2009, with responses by intervenors by December 15, 2009. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

Next Regular Open Meeting: Tuesday, November 24, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 18th day of March 2010.

Alan B. Minier, Chairman

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

Tuesday, November 24, 2009
1:30 p.m.

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

Jonathan Duke, WEXPRO (by telephone)
Kenna Hagan, Cheyenne Light, Fuel and Power (by telephone)
Chris Kilpatrick, counsel for Cheyenne Light, Fuel and Power (by telephone)
Jan Kirsch, Cheyenne Light, Fuel and Power (by telephone)
Jim Livsey, WEXPRO (by telephone)
Doug Pehrson, WEXPRO (by telephone)
Brandy Rasmussen, WEXPRO (by telephone)
Richard Shanor, local counsel for Cheyenne Light, Fuel and Power

Commission Advisory Staff (CAS): Blair Bales, Jess Bottom, Dave Lucero, Marci Norby, Tom Wilson

REGULAR AGENDA ITEMS

1. **Undocketed. Wexpro Company base rate of return for the period of August 1, 2008, through July 31, 2009. Commission to consider and act on proposed revision, pursuant to 1981 Wexpro Stipulation and Agreement, of base rate of return from 12.63% to 12.53%.** Marci Norby, CAS, provided a technical memo dated November 18, 2009. Jim Livsey of WEXPRO said the calculations for the base rate of return were originally based upon an average of 20 utility and natural gas companies specified in the agreement. Since that time, Mr. Livsey said, WEXPRO and staffs from the Wyoming and Utah commissions have developed an index of replacement companies when one of the original 20 is no longer viable or useful. He said an agreement has been reached with both states for an applicable base rate for the year which will be used for billings. Ms. Norby agreed with Mr. Livsey that the index method of selecting replacement companies works well and also thanked WEXPRO for providing its sources in the annual filing. There were no further comments or questions. Ms. Norby recommended approval of the calculation by letter of concurrence to WEXPRO, effective immediately and signed by Commission counsel, with a copy to be sent to the Utah staff. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion.

2. **Docket No. 30005-137-GP-09 (Record No. 12366) Application of Cheyenne Light, Fuel and Power Company (Cheyenne Light) for authority to pass on a wholesale gas cost increase of \$0.7848 per Dth for firm and interruptible rate classes beginning December 1, 2009. Commission to consider application and petition for confidential treatment of Schedules E, F, G, H, I, J and K of its Natural Gas Acquisition Strategy and Financial Forecasting under Commission Rule §120.** Jess Bottom, CAS, provided a technical memo dated November 19, 2009. Chris Kilpatrick, local counsel for

Cheyenne Light, said the proposed increase is partially offset by a continuing credit in the commodity balance surcharge; and the resulting rate is still lower than the rate during the same period last year. There were no further comments or questions. Mr. Bottom recommended approval of the application and petition by Notice and Order, effective immediately, for usage on and after December 1, 2009. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion.

Next Regular Open Meeting: Thursday, December 3, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 18th day of March 2010.

Alan B. Minier, Chairman