

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

Thursday, September 17, 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 All West Communications, Inc., Chugwater Telephone Company, Gold Star Communications, LLC, Silver Star Communications, Inc., and Union Telephone Company

Barbara Brohl, counsel for Qwest Corporation (by telephone)

Wanda Domoracki, AT&T Mobility f/k/a Edge Wireless (by telephone)

Steven Duke, Alltel Communications, LLC (by telephone)

Roger Fransen, local counsel for Qwest Corporation

Jason Hendricks, RT Communications, Inc.

Jeff Hubbard, Qwest Corporation

Don Jackson, TriCounty Telephone Association, Inc.

Mary Ann Keeler, Garland Light and Power Company (by telephone)

Michael Kenney, Dubois Telephone Exchange, Inc.

Edie Ortega, CenturyTel of Wyoming, Inc.

Lynn Pappas, All West Communications, Inc. (by telephone)

Jim Roberts, United Telephone Company of the West (by telephone)

Andy Schein, Chugwater Telephone Company (by telephone)

Liz Zerga, local counsel for Advanced Communications Technology, Inc., Dubois Telephone Exchange, Inc., Range Telephone Cooperative, Inc., and RT Communications, Inc.

Commission Advisory Staff (CAS): Blair Bales, Jess Bottom, Victoria Hansen, Dave Lucero, Chris Petrie, Art Schmidt, Tom Wilson

CONSENT AGENDA ITEMS

1. **Docket No. 20000-348-EA-09 (Record No. 12223) Application of Rocky Mountain Power for a Certificate of Public Convenience and Necessity to construct the new 111 MW Dunlap I Wind Project, the Dunlap Substation, the Shirley Basin Substation, and approximately 11 miles of 230 kV transmission line to the Shirley Basin Substation. Commission to consider the Petition for Leave to Intervene of Carbon County.**

2. **Docket No. 70000-1442-TK-09 (Record No. 12244) Contract filing of Qwest Corporation for authority to enter into a Cageless Collocation Bay Procurement Amendment to the Interconnection Agreement with NE Colorado Cellular, Inc. Commission to consider and act on contract filing.**

3. **Docket Nos. 70000-1443-TK-09 and 70006-74-TK-09 (Record No. 12245) Contract filing of Qwest Corporation for authority to enter into an Unbundled Network Elements, Ancillary Services and Resale Interconnection Agreement with Silver Star Telephone Company, Inc. Commission to consider and act on contract filing.**
4. **Docket Nos. 70009-349-TK-09 and 70017-76-TK-09 (Record No. 12247) Contract filing of United Telephone Company of the West d/b/a Embarq for authority to enter into a Master Interconnection, Collocation and Resale Agreement with AT&T Communications of the Mountain States, Inc. Commission to consider and act on contract filing.**
5. **Docket No. 70000-1439-TK-09 (Record No. 12204) Contract filing of Qwest Corporation for authority to enter into a resale interconnection agreement with Easton Telecom Services, LLC. Commission to consider and act on filing.**

Chairman Minier introduced the consent agenda items. Deputy Chairman Oxley asked to remove Item 1 for separate consideration. There were no further comments or questions on the remaining items. Dave Lucero recommended approval of Items 2-5 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 said a notice of withdrawal of Carbon County's petition for leave to intervene was received on September 15, 2009, and he said Rocky Mountain Power has concurred in the request to withdraw. Deputy Chairman Oxley then moved to treat the notice of withdrawal as a petition and to grant that petition with an Order only signed by Commission counsel and effective immediately. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

REGULAR AGENDA ITEMS

1. **Docket No. 10003-29-CS-09 (Record No. 12226) Application of Garland Light and Power Company (Garland Light) for approval of Rural Utilities Service Loan Application "P42" in the amount of \$3,943,000 for financing through the Hardship Rate Loan Program. Commission to consider and act on application.,** Jess Bottom, CAS, provided a technical memo dated September 10, 2009. Mary Ann Keeler of Garland Light said the loan is needed to complete projects in the 2008-2011 work plan, including rebuilding of aging facilities, upgrade of substations and metering systems. Ms. Keeler said the company meets the statutory requirements for Commission approval of the loan, and Mr. Bottom confirmed the aggregate amount of Garland Light's securities outstanding and proposed to be outstanding do not exceed the fair value of Garland's properties and business. There were no further comments or questions. Mr. Bottom recommended approval of the application by Order only, effective immediately. Deputy Chairman moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

2. **Undocketed. AT&T Mobility, f/k/a Edge Wireless, request for waiver from penalty of \$494.06 for late filing of 2008/2009 Public Service Commission Uniform Assessment second half payment. Commission to consider and act on request.**
Wanda Domoracki of AT&T Mobility said the second half notice was sent to the incorrect address. She said an email was sent to Ms. Casey Cummings in August 2008 notifying the Department of Revenue of the correct address, but the payment invoice and late notice were not sent to the address provided. In addition, Ms. Domoracki said the company does not allow processing of a payment until the actual invoice is received. Victoria Hansen, Commission Counsel, said a letter was sent to the company on August 10, 2009, notifying them of the late payment and asking for compliance before September 1. No response was received until September 2, 2009. In addition, Ms. Hansen said, the Commission is restricted by statute from waiving penalties without just cause and no such waiver has ever been issued by the Commission. There were no further comments or questions. Ms. Hansen recommended denial of the request by Letter Order only, effective immediately. Deputy Chairman Oxley moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

- 3-18. Agenda Items 3-18 involve the applications of the below-named carriers for annual certification by the Commission of their status as eligible telecommunications carriers (ETC) which would make them eligible to receive federal universal service support in 2010. Federal rules require the Commission to file annual certifications on or before October 1 of each year. The Commission to consider and act on the following applications for certification and petitions for confidential treatment of information. Tom Wilson, CAS, provided a technical memo dated September 14, 2009, and a summary of the information provided by the companies. Mr. Wilson reviewed the benchmark information in the summary. He and company representatives then responded to Commission questions regarding the information provided. There were no comments offered by the companies represented at the open meeting. Mr. Wilson said his review indicates all the companies met the minimum qualifications for certification. He recommended the Commission [i] send a letter to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) certifying the below-listed companies as eligible to receive funds in 2010 and [ii] issue Orders, effective immediately, in each case approving the petitions for confidential treatment of information. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred.

3. **Docket No. 70000-1441-TA-09 (Record No. 12243) Application of Qwest Corporation for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and Petition for Confidential Treatment of certain submitted information.**

4. **Docket No. 70096-27-TA-09 (Record No. 12240) Application of Advanced Communications Technology, Inc., for 2009 Annual Eligible Telecommunications Carrier Certification and Petition for Confidential Treatment of certain submitted information. Commission to consider and act on filing.**

5. **Docket No. 70013-23-TA-09 (Record No. 12228) Application of All West Communications, Inc., for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and petition for confidential treatment of certain submitted information. Commission to consider and act on filing.**
6. **Docket No. 70042-14-TA-09 (Record No. 12241) In the Matter of WWC Holding Co., Inc., doing business as Alltel Communications LLC, 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and Petition for Confidential Treatment of certain submitted information. Commission to consider and act on filing.**
7. **Docket No. 70003-122-TA-09 (Record No. 12242) Application of CenturyTel of Wyoming, Inc., for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and petition for confidential treatment of certain submitted information. Commission to consider and act on filing.**
8. **Docket No. 70005-27-TA-09 (Record No. 12232) Application of Chugwater Telephone Company for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and petition for confidential treatment of certain submitted information. Commission to consider and act on filing.**
9. **Docket No. 70007-54-TA-09 (Record No. 12239) Application of Dubois Telephone Exchange, Inc., for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and petition for confidential treatment of certain submitted information. Commission to consider and act on filing.**
10. **Docket No. 70009-348-TA-09 (Record No. 12236) Application of United Telephone Company of the West, doing business as Embarq, for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and petition for confidential treatment of certain submitted information. Commission to consider and act on filing**
11. **Docket No. 62042-3-RA-09 (Record No. 12230) Application of Gold Star Communications, LLC, for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and petition for confidential treatment of certain submitted information. Commission to consider and act on filing.**
12. **Docket No. 70001-70-TA-09 (Record No. 12238) Application of Range Telephone Cooperative, Inc., for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and Petition for Confidential Treatment of certain submitted information. Commission to consider and act on filing.**
13. **Docket No. 70015-69-TA-09 (Record No. 12237) Application of RT Communications, Inc., for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and petition for confidential treatment of certain submitted information. Commission to consider and act on filing.**

14. **Docket No. 70006-72-TA-09 (Record No. 12231) Application of Silver Star Communications, Inc., (ILEC) for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and petition for confidential treatment of certain submitted information. Commission to consider and act on filing.**
15. **Docket No. 70006-73-TA-09 (Record No. 12233) Application of Silver Star Communications, Inc., (CLEC) for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and Petition for Confidential Treatment of certain submitted information. Commission to consider and act on filing.**
16. **Docket No. 70011-32-TA-09 (Record No. 12235) Application of Tri County Telephone Association, Inc., and its subsidiary TCT West for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and Petition for Confidential Treatment of certain submitted information. Commission to consider and act on filing.**
17. **Docket No. 70008-52-TA-09 (Record No. 12229) Application of Union Telephone Company for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and Petition for Confidential Treatment of certain submitted information. Commission to consider and act on filing.**
18. **Docket No. 62006-17-RA-09 (Record No. 12234) Application of Union Telephone Company, doing business as Union Cellular, for 2009 Annual Eligible Telecommunications Carrier Certification pursuant to Rule 514 and Petition for Confidential Treatment of certain submitted information. Commission to consider and act on filing.**

Next Regular Open Meeting: Thursday, September 24, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 15th day of December 2009.

Alan B. Minier, Chairman

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

Thursday, September 24, 2009
1:30 p.m.

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

David Agee, consultant for Town of Walden (by telephone)
Janeen Capshaw, Wyoming Gas Company (by telephone)
Kenna Hagan, counsel for Cheyenne Light, Fuel and Power Company (by telephone)
Chris Kilpatrick, counsel for Cheyenne Light, Fuel and Power Company (by telephone)
Jan Kirsch, Cheyenne Light, Fuel and Power Company (by telephone)
Gordon Neumann, Wyoming Gas Company (by telephone)
Lindsay Woznick, local counsel for Wyoming Gas Company

Office of Consumer Advocate (OCA): Bryce Freeman, Kimber Wichmann, Amy Zamora

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

REGULAR AGENDA ITEMS

1. **Docket No. 30005-135-GA-09 (Record No. 12286) 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 application.** Marci Norby, CAS, provided a technical memo dated September 14, 2009. Chris Kilpatrick, counsel for Cheyenne Light, said an application was made in December 2008 which inadvertently omitted a request for an accounting order to establish a regulatory asset for the gas portion as well as the electric portion of the demand side management study costs since December 2008. Mr. Kilpatrick said recovery is not being requested at this time, and he said both portions are currently being tracked as regulatory assets. Ms. Norby said it may constitute retroactive ratemaking if the Commission were to approve the application as requested, but the costs could be reviewed in the next general ratemaking application to determine appropriateness for recovery as expenses. There were no further comments or questions. Ms. Norby recommended approving the application by Notice and Order, effective immediately, with deferral of costs beginning September 24, 2009, and with no ratemaking implications at this time. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier concurred.

2. **Docket No. 30009-49-GP-09 (Record No. 12269) Application of Wyoming Gas Company for authority to pass on a wholesale gas cost decrease of \$0.2475 per CCF through its commodity balancing account. Commission to consider and act on application and petition for confidential treatment of Exhibit A.** Jess Bottom, CAS, provided a technical memo dated September 21, 2009. Lindsay Woznick, local counsel for Wyoming Gas Company, said the pass-on adjustment reflects a decrease in the level of gas costs for the upcoming year, an adjustment in the commodity balancing account rate to reduce the current overcollection, and a projected decrease in transportation costs. Ms. Woznick said the decrease would not change the company's rate of return and would be applied on an equal basis to all customer rate classes. Gordon Neumann of Wyoming Gas Company, in response to Commission questions, said the purchase cost of gas is adjusted for both pressure and gas quality due to the company's high altitude location. There were no further comments or questions. Mr. Bottom recommended approval of the application and of the petition for confidential treatment by Notice and Order, effective immediately, for usage on and after October 1, 2009. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion.

3. **Docket No. 30019-22-GP-09 (Record No. 12287) Application of Town of Walden, Colorado, for authority to pass on a gas cost adjustment decrease of \$0.33 per Dth through its commodity balancing account. Commission to consider and act on application and petition to implement rates on less than 30 days' notice.** Michelle Bohanan, CAS, provided a technical memo dated September 21, 2009. Dave Agee, consultant to the Town of Walden, said the adjustment would return a significant overcollection to customers and reflects an adjustment for projected gas costs. There were no further comments or questions. Ms. Bohanan recommended approval of the application and petition by Notice and Order, effective immediately, for usage on and after October 1, 2009. Deputy Chairman Oxley moved to act as recommended, and Chairman Minier seconded the motion.

Next Regular Open Meeting: Tuesday, September 29, 2009, at 1:30 p.m.

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 15th day of December 2009.

Alan B. Minier, Chairman

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

Tuesday, September 29, 2009
1:30 p.m.

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

Steve Bateson, Questar Gas Company (by telephone)
Judd Cook, Questar Gas Company (by telephone)
Walter Eggers, local counsel for MGTC, Inc.
Kenna Hagan, counsel for Cheyenne Light, Fuel and Power (by telephone)
Deb Kellam, local counsel for Cheyenne Light, Fuel and Power Company
John Kennedy, Questar Gas Company (by telephone)
Jan Kirsch, Cheyenne Light, Fuel and Power Company (by telephone)
Bryan Lee, Frannie-Deaver Utilities Co. (by telephone)
Barrie McKay, Questar Gas Company (by telephone)
Kelley Mendenhall, Questar Gas Company (by telephone)
Jennifer Nelson, Questar Gas Company (by telephone)
Ted Peterson, Questar Gas Company (by telephone)
Shannon Swanson, MGTC, Inc. (by telephone)

Office of Consumer Advocate (OCA): Denise Parrish

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

REGULAR AGENDA ITEMS

1. **Docket No. 30010-99-GP-09 (Record No. 12284) Application of Questar Gas Company (Questar) for authority to pass on a wholesale gas cost decrease of \$651,130 through its purchased gas cost adjustment. Commission to consider and act on application.** Marci Norby, CAS, provided a technical memo dated September 23, 2009. John Kennedy of Questar said the requested decrease is due to a reduction in purchased gas costs since the company's previous application in February 2009. 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 October 1, 2009. Deputy Chairman Oxley moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

2. **Docket No. 30007-91-GP-09 (Record No. 12296) Application of Frannie-Deaver Utilities Co. (Frannie-Deaver) to adjust its commodity balancing account tariff to pass on increases for the delivered cost of natural gas in the amount of \$0.2953 per MCF. Commission to consider and act on application and on the petition requesting**

the rate become effective October 1, 2009, on less than 30 days notice. Jess Bottom, CAS, provided a technical memo dated September 23, 2009. Bryan Lee of Frannie-Deaver said the requested increase is comprised of an increase in projected purchased gas costs and a reduction in the commodity balancing account surcharge credit. Mr. Lee said the company is also tracking line losses, saying the meters were calibrated last Fall and will be recalibrated in the near future. He said the Commission will be kept updated on the status of losses or gains. 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 October 1, 2009. Dave Lucero, Commission Counsel, also recommended approval of the petition requesting an effective date on less than 30 days notice. Deputy Chairman Oxley moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

3. **Docket No. 80022-1-WI-08 (Record No. 11993) Investigation upon the Commission's own motion of Gosar's Unlimited, Inc., (Gosar's) 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 informational memo from staff and to take such action as the public interest may require.** Luy Luong, CAS, provided a technical memo dated September 21, 2009. Steve Mink, Commission Counsel, said a letter from Gosar's attorney requested this matter be tabled until Thursday as he would be unavailable. Mr. Mink said Mr. Luong was also unavailable due to a family emergency. Deputy Chairman Oxley moved to table this item until Thursday. Commissioner Lewis seconded the motion, and Chairman Minier concurred.
4. **Docket No. 30003-47-GA-09 (Record No. 12202) Application of MGTC, Inc., for authority to abandon a portion of a regulated natural gas distribution pipeline located in Campbell County, Wyoming, and discontinue utility service over the pipeline segment. Commission to consider and act on application.** Jess Bottom and David Piroutek, CAS, provided a technical memo dated September 3, 2009. Walter Eggers, local counsel for MGTC, Inc., said the company proposes to abandon approximately three miles of pipeline and will comply with all requirements to clean up, cut and bind off the line with no pass-on of costs to customers. He said there would be no impact on the company's rate base, and Shannon Swanson of MGTC, Inc., confirmed the line is fully depreciated. Mr. Eggers said there are two customers of record—one of which has not taken service since 2006 and one industrial customer who is prepared to obtain gas from another source. He said both customers have been notified, and neither has any objection to discontinuance of service. Ms. Swanson said the company spoke with both customers over a year ago and both were served copies of the application in June. There were no further comments or questions. Mr. Bottom recommended approval of the application by Order only, effective immediately, as notice has already been provided to the customers. Deputy Chairman Oxley moved to act as recommended, and Commissioner Lewis seconded the motion. Chairman Minier concurred.
5. **Docket No. 30005-134-GP-09 (Record No. 12277) Application of Cheyenne Light, Fuel and Power Company (Cheyenne Light) for authority to pass on a wholesale gas cost increase of \$0.5662 per decatherm for firm and interruptible rate customers.**

Commission to consider and act on application and associated petition for confidential treatment. Jess Bottom, CAS, provided a technical memo dated September 25, 2009. Kenna Hagan, counsel for Cheyenne Light, said the requested increase is due to higher gas costs and a lower percentage of injections in October as compared to September. 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 October 1, 2009, and approval of the petition for confidential treatment. Deputy Chairman Oxley moved to act as recommended. Commissioner Lewis seconded the motion, and Chairman Minier concurred.

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

Prepared by: Deborah McFerrin

ACCEPTED and APPROVED by the Commission on the 17th day of December 2009.

Alan B. Minier, Chairman