



LEGISLATIVE CONSUMER COMMITTEE

SENATE MEMBERS

Sue Malek, Chair
Jeff Welborn, Vice-Chair

HOUSE MEMBERS

Mary Ann Dunwell
Mike Hopkins

MINUTES LOG September 16, 2020 Zoom Videoconference

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Montana Consumer Counsel at 406-444-2771 for more information.

COMMITTEE MEMBERS PRESENT

Senator Sue Malek, Chair
Representative Mary Ann Dunwell
Representative Mike Hopkins

COMMITTEE MEMBERS EXCUSED

Senator Jeff Welborn, Vice Chair

MONTANA CONSUMER COUNSEL STAFF PRESENT

Robert A. Nelson, Consumer Counsel
Jason Brown, Staff Attorney
Paul Schulz, Rate Analyst
Jaime Stamatson, Economist
Suzanne Snow, Secretary

VISITORS PRESENT in Zoom Chat Room

AGENDA

[\(Attachment 1\)](#)

CALL TO ORDER

10:00:00 Chair Malek called the meeting to order with roll call.

[\(Attachment 2\)](#)

APPROVAL OF MINUTES OF PREVIOUS MEETINGS – June 2, 2020

10:01:08 MOTION: Representative Dunwell moved acceptance of the minutes.

VOTE: The motion passed unanimously on a voice vote

[\(Attachment 3\)](#)

STATUS OF CASES PENDING

Bob Nelson highlighted the cases that have seen some change in status since the Committee's last meeting. [\(Attachment 4\)](#)

10:01:31 NorthWestern Energy -Application for Approval of Capacity Resource Addition (Colstrip 4) - 2019.12.101

10:07:16 Committee Discussion

10:23:10 Public Comment

- Mary Kathleen Dunphy, Miles City, Montana

Chair Malek thanked Ms. Dunphy for her comments and noted that she had also read her written comments, which will be posted on the Legislative Consumer Committee website along with the 12 other comments that were received in opposition to purchasing more of Colstrip 4.

10:34:02 Bob presented a brief update on the following Water and Sewer Cases - page 13 and 14 of the Status of Cases report.

10:34:57 North Star Development – 2010.06.060 – Application for Water and Sewer Rate Increase
North Star Development – 2020.09.94 – Investigation of Rules, Practices, and Adequacy of Service

10:46:40 Committee Discussion.

10:56:03 Fox Hills Utilities – 2019.11.087 – Application for Initial Rates

10:56:53 Holmberg Village – 2020.02.020 – Operating Ratio Application

10:58:22 Circle H Water – 2020.07.081 – Operating Ratio Application

10:59:09 Chair Malek called for Public Comment on the water and sewer dockets– No public comment was given at this time.

11:00:03 Bob continued his review of the status of cases with other dockets pending --page 2.

11:00:23 NWE – 2020.08.091 – Annual Power Costs and Credits Adjustment Mechanism

11:01:50 *Vote Solar, MEIC and Cypress Creek Renewables v. PSC* – BDV-17-0776 – Petition for Judicial Review, Eighth Judicial District
Supreme Court - DA 19-0223 – NWE Notice of Appeal filed 4/11/19

11:19:10 Committee Discussion

11:33:40 NWE – 2019.10.076 – Petition of CED Wheatland County Wind, LLC, to Set Terms and Conditions - Page 4
NWE – 2019.09.067 – Petition of CED Pondera Wind, LLC, and Teton County Wind, LLC, to Set Terms and Conditions -Page 6

11:35:15 NWE – 2020.05.064 – Investigation into Impacts of COVID-19 on NWE’s Fixed Cost Recovery Mechanism.

11:37:49 Committee Discussion

11:48:40 NWE – 2020.03.034 – Application to Revise Tariff Schedule No. EGPS-1

11:49:23 NWE – 2019.08.052 – 2019 Electricity Supply Resource Procurement Plan

11:50:40 Committee Discussion.

11:51:28 NWE – 2019.07.040 - Annual Gas Cost Tracker

11:51:44 NWE – 2020.03.041 - Natural Gas Universal System Benefits Charge Rate Adjustment

11:52:05 NWE – 2020.05.066 – Petition for Accounting Order

11:54:36 NWE – 2019.11.089 – Annual Tax Tracker

11:56:02 MDU – 2019.11.086 – Application for Deferred Accounting Treatment

11:57:14 MDU – 2020.06.075 – Annual Purchased Power Tracking Adjustment

11:57:34 MDU – 2020.06.076 - General Natural Gas Rate Application, filed 6/22/20

11:58:12 MDU – 2020.09.095 - Annual Gas Cost Tracker

11:58:30 MDU – 2020.05.055 - Application for Accounting Order to Track and Defer Financial Effects of COVID-19

11:59:22 EWM – 2020.07.084 – Application to Recover GIRC Investments,

12:00:06 EWM – 2020.06.068 - Annual USB Tracker Application

12:00:20 EWM – 2020.06.069 - Annual Gas Cost Tracker

12:00:30 Cut Bank Gas – 2020.03.040 - Annual Gas and USB Cost Tracker

12:00:50 Miller Oil – 2019.02.007 – Annual Propane Cost Tracker

12:01:02 ABACO Energy Services – 2020.07.082 - Application to Establish Service Rates

12:03:15 Bob gave a status update of the PSC HB267 – Opt-Out Investigation docket 2019.12.108 at the request of Rep. Dunwell. Bob stated that he would forward the Notice of Public Listening Session to the committee as soon as it is issued by the Commission.

FINANCIAL REPORT

12:08:22 Bob Nelson reviewed the current budget report (dated 9-11-20). Bob noted that he had no concerns with the budget as presented. Bob also noted that the agency ended fiscal year 2020 with a significant ending balance in the contracted services and travel budgets.

12:10:28 Committee Discussion.

2023 BIENNIUM – AGENCY BUDGET REQUEST

12:15:47 Bob presented the agency’s budget proposal. After a general discussion on the budget the following motion was made:

12:21:26 MOTION: Representative Hopkins moved to approve the Consumer Counsel’s proposed budget as presented.

VOTE: The motion passed unanimously on a voice vote

CONTRACTED SERVICES

- 12:22:12 Bob requested authorization from the committee to retain the services of the following consultants:
- 2020.08.091 – NorthWestern Annual Power Costs and Credits Adjustment Mechanism:
Acadian Consulting – David Dismukes
- 2019.07.040– NorthWestern – Annual Gas Cost Tracker
George Donkin
- 2020.09.095 – Montana-Dakota Utilities Co. – Annual Gas Cost Tracker
George Donkin
- 2020.07.082 – ABACO Energy Services (Big Sky Propane):
Resolve Utility Consulting – David J. Garrett (cost of capital)
- 12:24:49 MOTION: Representative Dunwell moved to approve the retention of the consultants as per the request made by the Consumer Counsel.
- VOTE: The motion passed unanimously on a voice vote

NEXT MEETING

- 12:25:32 At the request of Rep. Dunwell it was agreed that a discussion regarding funding the office of Consumer Counsel by statutory appropriation would be on the agenda for the next meeting.
- 12:33:05 The date for the next meeting was set for Tuesday, November 10, 2020 at 10 a.m..

PUBLIC COMMENT

No additional public comment was offered at this time.

PSC EDDI Document Data Base

- 12:34:20 Suzanne gave a walk through on how to navigate the EDDI document search feature.

ADJOURNMENT

- 12:47:34 There being no further business before the Committee the meeting was adjourned by the Chair.