



# LEGISLATIVE CONSUMER COMMITTEE

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## SENATE MEMBERS

Brad Molnar  
Andrea Olsen, Vice Chair  
Daniel Zolnikov

## HOUSE MEMBERS

Brad Barker, Chair  
George Nikolakakos  
Zoey Zephyr

## MINUTES LOG

June 19, 2024  
State Capitol, Room 405  
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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://legmt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the "Exhibits" is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

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

## COMMITTEE MEMBERS PRESENT

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Senator Brad Molnar  
Senator Andrea Olsen  
Senator Zolnikov  
Representative Brad Barker  
Representative George Nikolakakos

## COMMITTEE MEMBERS EXCUSED

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Representative Zoey Zephyr

MONTANA CONSUMER COUNSEL STAFF PRESENT

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Jason Brown, Consumer Counsel  
Paul Schulz, Rate Analyst  
Suzanne Snow, Secretary  
Jaime Stamatson, Economist

AGENDA

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[\(Attachment 1\)](#)

CALL TO ORDER

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15:07:07 Chair Barker called the meeting to order with roll call.

[\(Attachment 2\)](#)

APPROVAL OF MINUTES OF PREVIOUS MEETING – March 19, 2024

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15:06:50 MOTION: Senator Molnar moved acceptance of the minutes.

VOTE: Motion passed unanimously on a voice vote.

[\(Attachment 3 – March 19, 2024\)](#)

STATUS OF CASES PENDING

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15:07:24 Jason Brown highlighted the cases that have seen change in status since the Committee's last meeting. [\(Attachment 4\)](#)

15:08:50 NWE Gas Tracker, Docket [2022.07.077](#).

15:09:41 NWE Gas Tracker, Docket [2023.07.068](#).

15:10:16 NWE QF-1 Tariff Update Application, Docket [2023.08.076](#), filed 8/24/23.

15:10:50 NWE Annual PCCAM Application, Docket [2023.09.081](#), filed 9/1/23.

15:13:18 Joint Petition of NWE and Town of Philipsburg Requesting Approval for NWE to Provide Electricity Supply Service, Docket [2024.02.025](#) – filed 2/20/24.

15:14:14 NWE Petition for LEO Rulemaking, Docket [2024.01.011](#), filed 1/4/24.

15:14:49 NWE Townsend Propane Annual Adjustment Filing, Docket [2024.05.051](#), filed 4/30/24.

15:15:44 NWE Electric and Gas Rate Case, Docket [2024.05.053](#).

15:16:00 MDU Electric Tracker (Rate 58), Docket [2023.06.055](#).

- 15:16:31 MDU Electric Tracker (Rate 58), Docket [2024.06.068](#), filed 6/17/24.
- 15:16:50 MDU Gas Tracker Filings (Rate 88), Docket [2023.09.084](#), filed 9/8/23.
- 15:17:15 MDU Application to Offer Incentives for Conversion in the Saco/Bowdoin Area, Docket [2021.09.116](#), filed 9/15/21.
- Committee Discussion:
- 15:19:49 Senator Olsen asked for clarification on whether the utility was still using the easement agreed upon in the original contract.
- 15:21:37 Senator Olsen asked if Montana-Dakota Utilities would be the utility providing the alternative fuel sources for these customers.
- 15:23:27 MDU Conservation Program Tracking Mechanism (Rate 90), Docket [2024.04.039](#), filed 3/25/24.
- 15:23:50 MDU Gas Rate Case, Docket [2024.05.061](#).
- 15:24:25 EWM Monthly Gas Tracker, Docket [2024.04.049](#), filed 4/12/24.
- 15:25:20 EWM Annual Gas Cost Tracker, Docket [2024.06.064](#), filed 6/3/24.
- 15:25:36 EWM Application for Approval of Gas Cost Hedging for West Yellowstone, Docket [2023.06.057](#), filed 6/29/23.
- 15:26:44 Aquanet-Linlee Lake Estates' Application to Implement Rates and Charges for Service in Billings, MT, Docket [2023.08.079](#), filed 8/30/23.
- 15:25:39 Alpine Pacific Utilities, LLC Request for ORM Water and Sewer Rate Increase, Docket [2024.04.043](#), filed 4/8/24.
- AP Williams Request for ORM Water Rate Increase, Docket [2024.04.044](#), filed 4/8/24.
- Flathead Utility Company, Inc. Request for ORM Water Rate Increase, Docket [2024.04.045](#), filed 4/8/24.
- Fox Hill Utilities, LLC Request for ORM Water and Sewer Rate Increase, Docket [2024.04.046](#), filed 4/8/24.
- 15:29:44 MEIC et al. Petition for Rulemaking, Docket [2024.03.028](#), filed 3/1/24.
- Committee Discussion:
- 15:33:06 Senator Olsen asked how we address our constituents concerns that attention is not being paid to the issues raised in Held.
- 15:36:24 Senator Olsen asked what the responsibility of legislators is to address the concerns of Held and protect energy costs.

- 15:39:41 Senator Olsen noted that energy companies have to plan for the future and incorporate planning as part of their operational costs.
- 15:40:14 Senator Zolnikov provided a comment on carbon adders.
- 15:43:18 Senator Molnar – In the case of Held did the MCC file an amicus brief in the case of the rulemaking request before the Commission.
- 15:45:23 Senator Molnar noted that what MEIC and others are asking the Commission to do is to write rules in violation of law.
- 15:52:05 Colstrip Energy Limited Partnership (CELP) Petition to Set Terms and Conditions, Docket [2022.07.073](#), filed 7/1/22.
- 15:54:00 Yellowstone Energy Limited Partnership (YELP) Petition to Set Terms and Conditions, Docket [2024.04.047](#), filed 4/12/24.
- 15:55:15 Qwest Corporation d/b/a CenturyLink QC Petition for Temporary Waiver, filed 12/9/21, and Commission Investigation into the Adequacy of Legacy Infrastructure Operated by CenturyLink, Docket [2021.12.136](#).

Committee Discussion:

- 15:57:10 Senator Olsen stated that in her opinion the CenturyLink docket shows how important service and reliability is and that we can do better to serve our constituents.
- 16:01:13 Senator Olsen noted that the company has continually failed to provide their customers with the services they are paying for.
- 16:05:04 Chair Barker noted that after attendance at economic meetings and information from the Governor’s Office of Economic Development there is a deployment of federal grant money for rural fiber in Montana. He further noted that he would circulate a brief to the committee which outlines how the funds are being deployed, with the hope that most areas of Montana will be covered within the next five years, not just with fiber, but a combination of technologies.
- 16:05:51 Senator Olson asked once all the federal funds are deployed what is the law that will ensure the utilities deliver an effective continual service that works for the consumers.
- 16:11:22 Senator Olsen asked if we know what is preempted when it comes to consumer protection of the different issues.

FINANCIAL REPORT

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- 16:12:40 Jason Brown reviewed the budget versus expenditure report that reflected accounting periods 1 through 11 of fiscal year 2024 (July 2023 through May 2024).

PUBLIC COMMENT

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16:14:52 No public comment was offered at this time.

CONTRACTED SERVICES

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16:15:14 Jason Brown requested authorization from the committee to retain the services of the following consultant:

Docket 2024.05.053 – NWE – Application for Authority to Increase Electric and Natural Gas Rates and Approval of Service Schedules, Cost Allocation, and Rate Design

- Acadian Consulting Group, LLC – David Dismukes
- JK Energy Consulting, LLC - John Krajewski
- Larkin & Associates, PLLC – Ralph Smith
- Resolve Utility Consulting, PLLC – David Garrett
- Option to Retain an Electricity Markets Expert

Docket 2024.05.061 – MDU – Application for Authority to Establish Increased Rates for Natural Gas Service

- NewGen Strategies and Solutions, LLC - Chris D. Ekrut
- Resolve Utility Consulting, PLLC – David Garrett

Committee Discussion:

16:21:24 Senator Molnar asked if the NorthWestern General Rate review case includes a rate increase for partial reimbursement of the Laurel plant.

16:24:13 Senator Molnar asked when the PSC would be hearing the full rate case.

16:25:43 MOTION: Senator Olsen moved to approve the retention of consultants as requested by the Consumer Counsel.

VOTE: The motion passed unanimously on a voice vote.

Committee Discussion:

16:26:24 Senator Olsen asked if it would be appropriate for the committee to have a discussion or have somebody come in to talk to the committee about the consumer protection aspect of telecom utility's quality of service

16:27:35 Chair Barker noted he would be open to having a conversation as to who would be most appropriate to come and talk to the committee and answer questions related to service quality. He recommended that the committee follow-up after the meeting and well prior to the next meeting so it can be added to the agenda.

16:28:03 Jason Brown noted that the Consumer Counsel's ability to advocate is limited by the Commission's authority. Although the Consumer Counsel is not set up to receive or action complaints, the office can be a resource for people to help them navigate the

system, try to answer their questions and steer them in the right direction. He further noted that the Commission has regulatory authority over these utilities and has a complaints department, although the main issue is lack of state jurisdiction. He further noted that he would caution against inviting complaints from the public on an issue if the Commission does not have jurisdiction over it, as there is no point in the Consumer Counsel advocating to an agency that is preempted.

#### PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

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16:29:57      No public comment was offered at this time.

#### ADJOURNMENT

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16:30:12      There being no other matters before the Committee the Chair adjourned the meeting.