



Energy and Telecommunications Interim Committee

63rd Montana Legislature

SENATE MEMBERS

CLIFF LARSEN--Chair
EDWARD BUTTREY
ROBYN DRISCOLL
ALAN OLSON

HOUSE MEMBERS

KEITH REGIER--Vice Chair
MIKE LANG
MARY MCNALLY
TOM STEENBERG

COMMITTEE STAFF

SONJA NOWAKOWSKI, Lead Staff
TODD EVERTS, Staff Attorney
DAWN FIELD, Secretary

MINUTES LOG

October 21, 2013

Conference Call - Room 172, State Capitol
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This 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://leg.mt.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 summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT, via Polycom Phone

SEN. CLIFF LARSEN, Chair
REP. KEITH REGIER, Vice Chair

SEN. EDWARD BUTTREY
SEN. ROBYN DRISCOLL
SEN. ALAN OLSON

REP. MIKE LANG
REP. MARY MCNALLY
REP. TOM STEENBERG

STAFF PRESENT

SONJA NOWAKOWSKI, Lead Staff
TODD EVERTS, Staff Attorney
DAWN FIELD, Secretary

AGENDA & VISITORS' LIST

Agenda, [Attachment #1](#).
Visitors' list, [Attachment #2](#).

COMMITTEE ACTION

The Energy and Telecommunications Interim Committee:

- approved a motion to remove the committee's objection to the PSC's economic impact statement regarding qualifying facilities;
- approved a motion that the economic impact statement is now sufficient; and
- approved a motion to remove the committee's objection to the PSC's proposed rule on qualifying facilities.

CALL TO ORDER AND ROLL CALL

- 00:00:01 SEN. LARSEN, via polycom phone, called the meeting to order at 9:00 a.m. The Secretary called the roll, all members were present via polycom phone ([Attachment 3](#)). ETIC staff was present in the meeting room.
- 00:01:23 SEN. LARSEN asked that anyone else who was online to please identify themselves and to identify themselves again when speaking. SEN. LARSEN asked Mr. Everts to summarize the issue and actions taken to date.
- 00:02:04 **Todd Everts, Staff Attorney, LSD**, reviewed the discussion and action taken at the September ETIC meeting in Harlowton regarding the Public Service Commission's proposed administrative rules for qualifying facility (QF), the PSC's economic impact statement (EIS) regarding the proposed rules, and the basis for the committee's actions. He said the PSC is now asking the ETIC to reverse those actions, based on changes it has made to the administrative rule and EIS.
- 00:05:02 **Bill Gallagher, Chairman, PSC**, thanked Vice Chair Regier for his work on HB 188 and Commissioner Lake for his recent work on the Chair's behalf. Commissioner Gallagher discussed the history of HB 188, the changes made to the proposed rule, and asked the committee reverse its actions on both motions.

ETIC Questions and Discussion

- 00:09:00 **SEN. DRISCOLL moved to remove ETIC's objection to the PSC's EIS regarding qualifying facilities.** Ms. Nowakowski suggested that public comment be allowed before voting on the motion.
- 00:09:31 **SEN. DRISCOLL withdrew the motion.**

Public Comment

- 00:10:05 There was no public comment.

Committee Action

- 00:10:23 **SEN. DRISCOLL moved to remove the ETIC's objection to the PSC's EIS regarding qualifying facilities. The motion passed on a unanimous voice vote.**
- 00:11:48 Mr. Everts said that the next step would be a motion that the EIS is sufficient.
- 00:12:15 **REP. REGIER moved that the PSC's EIS regarding qualifying facilities is sufficient. The motion passed on a unanimous voice vote.**

00:13:17 **REP. REGIER moved that ETIC withdraw its objection to the PSC's proposed rules for qualifying facilities, as approved at the September 13, 2013, meeting in Harlowton.**

00:14:18 REP. MCNALLY asked for clarification of what the vote would actually do or undo. Mr. Everts said the vote would undo the ETIC's second motion at the Harlowton meeting, which was to object to the PSC's proposed administrative rule regarding qualifying facilities. He said the action would be in line with what the committee has discussed and that withdrawing the objection is within the purview of the ETIC.

00:17:51 **The motion passed on a unanimous voice vote.**

Public Comment

00:18:15 There was no public comment.

00:18:33 SEN. LARSEN thanked Commissioner Gallagher and Mr. Everts for their work on this matter and the ETIC members for calling in. With no further business before the committee, SEN. LARSEN adjourned the meeting at 9:24 a.m. The Energy and Telecommunications Interim Committee is scheduled to meet next on November 8, 2013.

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