



LEGISLATIVE CONSUMER COMMITTEE

SENATE MEMBERS

Sue Malek, Chair
Jeff Welborn, Vice-Chair

HOUSE MEMBERS

Mary Ann Dunwell
Mike Hopkins

MINUTES LOG November 10, 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.

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

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

AGENDA

[\(Attachment 1\)](#)

CALL TO ORDER

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

[\(Attachment 2\)](#)

STATUS OF CASES PENDING

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

10:02:47 NorthWestern Energy -Application for Approval of Capacity Resource Addition (Colstrip 4) - [2019.12.101](#)

In summarizing the Colstrip 4 application, Bob noted that NorthWestern and Puget had terminated the sale transaction between the two utilities. NorthWestern Energy subsequently withdrew its application in Montana on October 29, 2021.

10:05:28 Committee Discussion.

10:12:47 NWE – [2019.09.058](#) - Annual Power Costs and Credits Adjustment Mechanism Filing, filed 9/3/19.

10:15:48 Committee Discussion:

10:18:20 NWE – [2020.08.091](#) – Annual Power Costs and Credits Adjustment Mechanism, filed 9/1/20.

10:18:48 NWE – [2019.11.091](#) – Petition of Apex Solar LLC to Set Terms and Conditions, filed 11/8/19.

10:21:22 Committee Discussion.

10:28:14 *MTSUN v. PSC* – DA 19-0363 – Appeal from BDV-17-0776, Montana Supreme Court. Decided 9/22/20.

10:30:23 Committee Discussion.

10:33:00 NWE – [2020.10.102](#) – Petition for Certification of Community Renewable Energy Project, filed 10/1/20.

NWE – [2020.10.105](#) – Petition for Certification of Community Renewable Energy Project, filed 10/2/20.

10:34:30 NWE – [2020.10.104](#) – Petition for Certification of Community Renewable Energy Project, filed 10/2/20.
Committee Discussion.

10:42:15 NWE – [2020.09.097](#) – Petition for Declaratory Ruling Regarding Storage Only Community Renewable Energy Projects, filed 9/17/20.

10:42:40 NWE – [2019.07.040](#) - Annual Gas Cost Tracker, filed 6/2/20.

10:43:03 NWE – [2020.07.083](#) – October and November gas tracker.

10:43:15 NWE – [2020.05.066](#) – Petition for Accounting Order, filed 5/29/20.

10:45:01 Rep. Dunwell inquired whether the pension funding was for NorthWestern employees. Bob Nelson responded that that was correct.

10:45:11 NWE – [2020.04.043](#) – Annual Townsend Propane Supply Rate Adjustment, filed 4/30/20.

10:46:23 Havre Pipeline Co. – [2020.07.088](#) – Annual Rate Adjustment, filed 7/31/20.

10:46:50 MDU – [2020.10.103](#) – Annual Rate 93 Avoided Cost Update, filed 10/1/20.

10:47:14 MDU – [2020.06.075](#) – October/ November Electric Cost Tracker – Rate 58.

10:47:23 MDU – [2020.06.076](#) - General Natural Gas Rate Application, filed 6/22/20.

10:50:20 MDU – [2020.09.095](#) - Annual Gas Cost Tracker, filed 9/8/20.

10:50:40 MDU – [2020.05.055](#) - Application for Accounting Order to Track and Defer Financial Effects of COVID-19, filed 5/8/20.

10:51:38 Committee Discussion.

10:58:55 EWM – [2020.06.069](#) - Annual Gas Cost Tracker, filed 6/1/20.

10:59:16 EWM – [2020.07.084](#) – Application to Recover GIRC Investments, filed 7/10/20.

10:59:44 EWM – [2020.03.038](#) – October/November gas tracker filed 9/28/20.

10:59:54 Miller Oil – [2019.02.007](#) – Annual Propane Cost Tracker, filed 6/8/20.

11:02:20 ABACO Energy Services – [2020.07.082](#) - Application to Establish Service Rates, filed 7/16/20.

11:00:50 North Star Development – [2010.06.060](#) – Application for Water and Sewer Rate Increase, filed 1/23/19.

- 11:01:00 *North Star Development, LLC v. PSC* – ADV-2020-1703 - Petition for Judicial Review, First Judicial District, filed 10/2/20.
- 11:01:45 North Star Development – [2020.09.94](#) – Investigation of Rules, Practices, and Adequacy of Service, initiated 9/1/20.
- 10:03:01 Holmberg Village – [2020.02.020](#) – Operating Ratio Application, filed 2/24/20.
- 11:04:03 Circle H Water – [2020.07.081](#) – Operating Ratio Application, filed 8/31/20.
- 11:04:34 AquaFlo – [2020.10.100](#) - Application to Increase Water and Sewer Rates, filed 9/30/20.
11:04:58 Committee Discussion.
- 11:09:22 Wettington Water –[2015.10.082](#)- Application for Standard Charges, filed 10/19/15.
- 11:09:57 PSC – [2019.12.108](#) – Investigation into HB 267 Determination of Opt-Out Programs for Advanced Metering Devices, issued 12/18/19.
- 11:10:28 Committee Discussion.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS – September 16, 2020

- 11:21:20 MOTION: Representative Dunwell moved acceptance of the minutes.
- VOTE: The motion passed unanimously on a voice vote.
- [\(Attachment 3\)](#)

FINANCIAL REPORT

- 11:22:30 Bob Nelson reviewed the current budget report (dated 11-09-20). Bob noted that he had no concerns with the budget as presented.
- 11:24:50 Committee Discussion.

PUBLIC COMMENT

- 11:29:55 No public comment was offered at this time.

DISCUSSION REGARDING STATUTORY APPROPRIATION FOR THE CONSUMER COUNSEL

- 11:30:00 After a lengthy discussion, the Committee decided not to pursue a statutory appropriation funding for the Montana Consumer Counsel’s budget in the upcoming legislative session.

PERSONNEL MATTERS – COUNSEL STAFF PAY

11:40:30 Bob presented a request for an increase in the base pay rate for the Consumer Counsel and also the Consumer Counsel staff.

After committee discussion the following three motions were voted on:

MOTION: Representative Hopkins moved that the Committee approve the request for a base pay rate increase for the Consumer Counsel, effective the first day of the pay period ended 11-06-20.

VOTE: The motion passed unanimously on a voice vote.

11:54:00 MOTION: Representative Hopkins moved that the base pay for the following staff positions be increased as requested by the Consumer Counsel, effective the first day of the pay period ended 11-06-20.

Senior Attorney
Auditor/Economist
Economist/ Auditor Researcher
Office Manager

VOTE: The motion passed unanimously on a voice vote.

12:06:34 MOTION: Representative Hopkins moved that the Committee grant authorization for the Consumer Counsel to set staff salaries in a manner consistent with the pay administration of the other Legislative agencies.

VOTE: The motion passed unanimously on a voice vote.

12:07:16 Rep. Hopkins requested, that even though the approval structure had changed for future staff salary increases, the Consumer Counsel continue to provide the Committee with the informative explanations for the differences and the adjustments as presented in this meeting.

12:08:08 Bob Nelson responded that he had noted Rep. Hopkins comment and would make that happen.

12:08:56 Rep. Hopkins and Rep. Dunwell thanked Chair Malek for her institutional knowledge and leadership of the committee.

12:09:42 In response to Rep. Dunwell's inquiry about future meeting dates and committee appointments, Chair Malek noted that she would term out on the first Monday of January 2021. It was her belief that in the first 10-days of the legislative session the Committee on Committees for the Senate, and the leadership in the House will make appointments to the consumer committee.

NEXT MEETING

Next meeting would be set at a later date.

ADJOURNMENT

12:11:07 There being no further business before the Committee the meeting was adjourned by the Chair.