

STRATEGIC PLAN 2021-24



Department of Public Service Regulation

1701 Prospect Ave, P.O. Box 202601

Helena, MT 59620

(406) 444-6199

psc.mt.gov

ADOPTED
8/30/22

CONTENTS



TABLE OF CONTENTS

Part 1: Introduction	3
Part 2: Core Requirements	4
Duty	5
Mission	6
Vision	7
Part 3: Goals & Objectives	8
Organizational Structure	9
Fiscal Competencies	10
Internal Policies and Controls	11
Regulatory Effectiveness	12
Public Policy Solutions	13
Part 4: Goal-Specific Action Plans	14
Organizational Structure	15
Fiscal Competencies	16
Internal Policies and Controls	18
Regulatory Effectiveness	19
Public Policy Solutions	22
APPENDIX: Strategic Planning Initiatives	24

PART 1: INTRODUCTION



Introduction:

In January 2021, the Public Service Commission commenced an intensive Strategic Planning process with the deliberate intention of improving the operations, performance, culture, and reputation of the Commission and the Department of Public Service Regulation which the Commission administers.

To that end, all aspects of this draft plan are rooted in the statutory duty, mission, and vision of the Commission (Core Requirements identified in Part 2). The corresponding Goals & Objectives are outlined in Part 3, and the Goal-Specific Action Plans that are found in Part 4 identify the primary tasks, timelines, and resources or actions needed to accomplish each objective. Needed resources that require legislative action in the 2023 legislative session are noted with bold type “**Request:**” in front of them.

The planning period spans 2021 to 2024. This plan incorporates 18 months of effort with invaluable input from commissioners, staff, legislators, the legislative auditor, and a management consulting firm.

This document is a guide that may be appended with detailed initiatives that further guide accomplishment of each element of the plan. It’s goals, objectives, and action plans should be updated in advance of each biennium. However, to prevent drastic pendulum swings in overall direction, the Core Requirements should not be changed unless necessitated by legislative acts or strong consensus from the Commission and its Agency Coordinating Team (ACT).

Ultimately, this plan is intended to set all aspects of the agency on a path to excellence. Good governance is not an easy thing to achieve. It requires hard work, patience, skill, and a spirit of selfless service. But with a sound plan, and a unified agency committed to its tenets, good governance can and will thrive throughout the Department of Public Service Regulation.

The Commission thanks all who contributed to development of this plan, and all who strive toward achievement of the goals and objectives contained within its pages.

PART 2: CORE REQUIREMENTS



CORE REQUIREMENT 1



DUTY

It is the duty of the Public Service Commission to supervise and regulate the operations of public utilities, common carriers, railroads, and other regulated industries listed in Title 69 (MCA). Such regulation and supervision is limited by and shall be in conformance with Title 69.

It is the duty of the staff of the Department of Public Service Regulation to provide competent, professional support to the Commission in this endeavor.

CORE REQUIREMENT 2



MISSION

It is the mission of the Public Service Commission to fairly balance the interests of regulated companies and the public they serve.

It is the mission of the staff of the Department of Public Service Regulation to provide competent, professional support to the Commission in this endeavor.

CORE REQUIREMENT 3



VISION

It is the vision of the Public Service Commission to lead by example in establishing the Department of Public Service Regulation as:

- A model of good governance,
- A great place to work, and
- The state's most credible source of information and guidance regarding the industries we regulate.

PART 3: GOALS & OBJECTIVES



GOAL 1



ORGANIZATIONAL STRUCTURE

GOAL 1: Improve Organizational Structure

- Define Leadership Roles & Responsibilities
- Establish Chain of Command
- Revise Organizational Rule
- Establish Leadership Training & Standards

GOAL 2



FISCAL COMPETENCIES

GOAL 2: Improve Centralized Services Fiscal Performance

- Increase Competency, Focus, & Performance of Fiscal Staff
- Fully Cover Audit Compliance Responsibilities
- Reassign Non-Fiscal Duties to Non-Fiscal Staff
- Tighten Policies & Procedures
- Enhance Inventory System

GOAL 3



INTERNAL POLICIES & CONTROLS

GOAL 3: Improve Internal Policies and Controls

- Revise Internal Operations & Policy Manual (Blue Book)
- Perform Annual Risk Assessment
- Create Updated Records Management Standards
- Conduct Cost/Revenue Analysis

GOAL 4



REGULATORY EFFECTIVENESS

GOAL 4: Increase Regulatory Effectiveness

- Modernize Electronic Docket Management System
- Increase Staffing Proficiencies
- Maintain Sufficient Staffing Levels
- Ensure Fully Informed Commission Actions
- Issue & Defend Sound Commission Orders
- Rebuild & Enhance Railway Safety Program

GOAL 5



PUBLIC POLICY SOLUTIONS

GOAL 5: Provide Beneficial Public Policy Solutions

- Proactively Engage in Public Policy & Rule Making
- Ensure Resource Adequacy
- Participate in Regional Planning
- Build Strong Relations with Legislative & Executive Branches
- Provide Meaningful Public Information & Opportunities for Public Comment

PART 4: GOAL-SPECIFIC ACTION PLANS



GOALS

OBJECTIVES

PRIMARY TASKS

TIMELINES

RESOURCES NEEDED

1

GOAL 1 ACTION PLAN: IMPROVE ORGANIZATIONAL STRUCTURE

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
1. Define Leadership Roles & Responsibilities	<ol style="list-style-type: none"> 1. Identify core duties 2. Define responsibilities 3. Encompass in job descriptions 	2021-22	<input checked="" type="checkbox"/> Adopt Core Duties and Responsibilities of Commission and ACT members <input type="checkbox"/> Create and/or update leadership job descriptions
2. Establish Chain of Command	<ol style="list-style-type: none"> 1. Create organizational chart 2. Define communication flows 3. Create reporting hierarchy 	2021-22	<input checked="" type="checkbox"/> Adopt Organizational Chart and Chain of Command <input checked="" type="checkbox"/> Establish Executive Director/Chief of Staff position
3. Revise Organizational Rule (ARM 38.1.101)	<ol style="list-style-type: none"> 1. Formalize leadership roles & responsibilities, chain of command, & organization chart 2. Convert Commission Chair to President with added day-to-day and oversight authorities 3. Include work unit descriptions 	2021-22	<input checked="" type="checkbox"/> Adopt Revised Organizational Rule ARM 38.1.101
4. Establish Leadership Training & Standards	<ol style="list-style-type: none"> 1. Establish leadership skills training program 2. Establish leadership standards of conduct 3. Implement leadership performance appraisals 	2022-24	<input type="checkbox"/> Request: \$20,000/Year for Development & Implementation of Leadership Training & Standards <input type="checkbox"/> Adopt Leadership Training & Standards Policies

2

GOAL 2 ACTION PLAN: (Part 1)

IMPROVE CENTRALIZED SERVICES FISCAL PERFORMANCE

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
1. Fully Cover Audit Compliance Responsibilities	<ol style="list-style-type: none"> 1. Provide multi-layered audit compliance coverage to include active involvement of Commission Leadership, Management staff, & classified staff 2. Add a CPA to Centralized Services Division (CSD) staff 3. Add a CPA to regulatory staff and assign part time CSD audit responsibilities 4. Establish cross-training to backup CSD fiscal staff 	2021	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Executive Director position with fiscal management skills & audit oversight responsibilities <input checked="" type="checkbox"/> Business Manager position with fiscal management skills & day-to-day audit compliance responsibilities <input checked="" type="checkbox"/> CPA in Centralized Services Division <input checked="" type="checkbox"/> CPA in Regulatory Division
2. Increase Competency, Focus, & Performance of Fiscal Staff	<ol style="list-style-type: none"> 1. Assess Centralized Services Division strengths & weaknesses 2. Develop corresponding recommendations 3. Redesign fiscal staffing plan to increase focus & improve execution of fiscal matters 4. Develop effective Performance Management tools 	2021-22	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> \$5k for Personnel Management Consultations <input checked="" type="checkbox"/> CSD Assessment <input checked="" type="checkbox"/> Agency Organization Initiative w.i.p Update Job Descriptions with Competency Requirements w.i.p Enhance Performance Management Policy
3. Reassign Non-Fiscal Duties to Non-Fiscal Staff	<ol style="list-style-type: none"> 1. Transfer management duties for Reception, IT, & Administrative Support to Commission Secretary 2. Transfer document processing duties to paralegal in Legal Division 3. Establish cross-training & backup responsibilities across Commission Secretary, Consumer Assistance, & Doc Processing staff 	2021-22	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Commission Secretary position <input checked="" type="checkbox"/> Assistant Commission Secretary position <input checked="" type="checkbox"/> Paralegal/doc processing position <input checked="" type="checkbox"/> Update related job descriptions

2

GOAL 2 ACTION PLAN: (Part 2)

IMPROVE CENTRALIZED SERVICES FISCAL PERFORMANCE

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
4. Tighten Fiscal Policies & Procedures	<ol style="list-style-type: none"> 1. Ensure that current policies are followed 2. Develop tighter policies for Financial Accounting & Reporting, Procurement, Budgeting, Revenues, Travel, Inventory, and Performance Management 	2021-23	wip Adopt related policies (Blue Book Project)
5. Enhance Inventory System	<ol style="list-style-type: none"> 1. Develop & Implement Inventory Policy 2. Develop Inventory Data Base that will be compatible with future ServiceNow Asset Management system if needed 3. Create Inventory Check Out Forms 4. Design Inventory Tags, Acquire Tags, Scanner & Bar Codes 5. Implement new Inventory System 6. Consider integrating PSC Inventory Data into DOA's ServiceNow Asset Manager if/when it becomes available 	2021-23	wip Adopt Inventory policy (Blue Book Project)

3

GOAL 3 ACTION PLAN: IMPROVE INTERNAL POLICIES & CONTROLS

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
1. Revise Internal Operations & Policy Manual (Blue Book)	1. Establish Blue Book Review Committee 2. Conduct comprehensive review & revisions to internal policies that are responsive to strategic plan, audit recommendations, & risk assessment.	2021-22	<input checked="" type="checkbox"/> \$15,000 for editing, design, & publishing services <input checked="" type="checkbox"/> Adopt revised Blue Book <i>wip</i>
2. Perform Annual Risk Assessment	1. Develop Risk Assessment Tool with system for scoring & weighting risk factor criteria 2. Accounting staff to prepare annual risk assessment 3. Risk Assessment team (CSD CPA, Regulatory CPA, Executive Director, & President) to prepare appropriate risk responses and sign offs 4. Assessment distributed to full Commission & ACT	2021 Produce Annually	<input checked="" type="checkbox"/> Financial Accounting Analyst (CSD CPA) <input checked="" type="checkbox"/> Internal Auditor (Regulatory CPA)
3. Records Management Standards	1. Lawfully archive or dispose of old records 2. In conjunction with development of REDDI, develop a standardized system for naming, filing, retaining, & archiving electronic records consistent with SOS guidelines 3. Develop similar standard for hard copies & "S" Drive folders, files, & documents	2022-23	<input checked="" type="checkbox"/> \$1500 for document shredding <input checked="" type="checkbox"/> Archiving Services of State Archivist <input checked="" type="checkbox"/> Revise hard copy rules/requirements <input checked="" type="checkbox"/> \$98k for equivalent of 1 REDDI Sprint dedicated to strong records management functionality (included in overall cost of REDD) <input type="checkbox"/> Request: \$TBD for records digitization <i>wip</i> <i>wip</i>
4. Conduct Cost/Revenue Analysis	1. Track how agency resources are being expended in comparison to correlating sources of agency revenues 2. Determine if any rate payer classes are subsidizing agency services that should be funded by other means	2023	<input type="checkbox"/> Determine extent of disparity, if any <input type="checkbox"/> If non negligible disparity exists, take steps to resolve it

4

GOAL 4 ACTION PLAN: (Part 1)

INCREASE REGULATORY EFFECTIVENESS

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
1. Modernize Electronic Docket Management System	<ol style="list-style-type: none"> 1. Procure Project Manager/Software Analyst (PMSA) to aid in Identifying system requirements, evaluating solutions, and guiding the project to successful completion 2. Procure & implement appropriate solution (REDDI) 3. Use REDDI to manage all regulatory, legal, and external affairs cases and documents 4. Implement change management: Train, transition, and adapt all commissioners and staff to REDDI 5. Provide ongoing in-house system maintenance, configuration enhancements, and desktop support 	2021-23	<ul style="list-style-type: none"> <input type="checkbox"/> Request: \$75k OTO for REDDI Project Manager/Software Analyst (Total \$215k '22-'23 biennium & \$75k FY '24) <input type="checkbox"/> Request: \$138k Annual Software License (each year) <input type="checkbox"/> Request: \$940k OTO for REDDI to complete System Development (Total \$1.23m '22-'23 biennium & \$940k FY '24) <input type="checkbox"/> Request: +1FTE for IT System Administrator ('24-'25 biennium and thereafter)
2. Increase Staffing Proficiencies	<ol style="list-style-type: none"> 1. Develop legal & regulatory staff to level 2 or higher on the career ladder within 3 years of hire date 2. Identify appropriate virtual and in-person training opportunities and methodically select participants 3. Structure work teams that pair less experienced staff with more experienced staff to facilitate knowledge transfer and professional growth 4. Transfer telecommunications compliance workload from rate analysts to compliance specialists 5. Conduct substantive work unit “brown bag” trainings on specific areas of expertise to facilitate knowledge transfer 6. Provide efficient access to necessary technical tools and information 7. Develop effective performance management system 	2021-23	<ul style="list-style-type: none"> <input type="checkbox"/> Enhance Career Ladder Program <input type="checkbox"/> Request: \$TBD for staff Training & Development <input type="checkbox"/> Cross-training plan for knowledge transfer from rate analysts to compliance specialists wip Complete REDDI project with strong docket management features & implement agency-wide change management wip Adopt Performance Management Policy

4

GOAL 4 ACTION PLAN: (Part 2)

INCREASE REGULATORY EFFECTIVENESS

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
3. Maintain Sufficient Staffing Levels	<ol style="list-style-type: none"> Maintain accurate vacancy forecasts Provide competitive pay & benefits Enhance staff recruitment, screening, & selection Effectively manage workloads/schedules Maintain up-to-date Staffing Plan & Priorities Develop Retention Program Develop Succession Plan Provide & maintain comfortable & functional work environment 	2021-23	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Adopt Recruitment & Selection Policy <input checked="" type="checkbox"/> Adopt Pay Policy <input type="checkbox"/> Adopt Retention Program <input type="checkbox"/> Request: Waiver of Vacancy Savings Requirement <input type="checkbox"/> Request: \$TBD for HR management software <input type="checkbox"/> Request: \$60k FY'24 & \$85,020 FY '25 for office space lease increased cost <input type="checkbox"/> Request: 42 FTE total (up from 36 FTE presently)
4. Ensure Fully Informed Commission Decisions	<ol style="list-style-type: none"> Provide organized, complete packet of relevant documents to commissioners well in advance of work sessions and hearings Provide briefing memo, in-person briefing, & check commissioners for understanding regarding contested cases Conduct site visits, public field hearings, and public listening sessions Integrate REDDI with outlook calendar to provide 1-stop access to meeting materials Integrate REDDI with Consumer Assistance Program to more effectively process public input & requests for assistance 	2021-23	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Commission Secretary <input type="checkbox"/> wip Complete REDDI with full docket case management capabilities, outlook calendar integration, and public input features <input type="checkbox"/> Request: \$TBD/Year In-State Travel
5. Issue & Successfully Defend Sound Orders	<ol style="list-style-type: none"> Assign the most highly proficient staff to lead contested case matters Utilize specialized outside counsel when needed Ensure that commission regulatory decisions are based soundly upon documented law & evidence Employ measurable & meaningful performance management standards, training, & retention programming 	2021-23	<ul style="list-style-type: none"> <input type="checkbox"/> wip Adopt effective Performance Management Policy <input type="checkbox"/> Adopt effective Training & Retention Programs <input type="checkbox"/> Request: +1 FTE Staff Attorney <input type="checkbox"/> Request: +\$150k RESTRICTED Annual Litigation Fund

4

GOAL 4 ACTION PLAN: (Part 3)

INCREASE REGULATORY EFFECTIVENESS

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
<p>6. Rebuild & Enhance Railway Safety Program</p>	<ol style="list-style-type: none"> 1. Create 3 Motive Power & Equipment (MP&E) inspection regions with 1 inspector per region 2. Create 1 statewide track inspection region with 1 track inspector 3. Recruit, hire, & retain a qualified program manager 4. Update pay & benefits to competitive range 5. Allow inspectors to be based within their region 6. Secure Federal Railway Administration (FRA) certification of all inspectors 7. Provide equipment to enhance inspection capabilities (i.e., handheld infrared cameras, spotlights, durable portable field computers) 8. Revisit and update the comprehensive railroad safety risk assessment completed in 2016 9. Implement an annual, data driven inspection planning process 10. Provide dedicated office space configured and furnished to house all PSC Railway Program Safety staff. 11. Configure REDDI to manage notices, incident records, infractions, fines, and reports 12. Assess potential implementation of drone technology for track inspections 	<p>2022-23</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Request: + 1 FTE for additional MP& E Inspector (3 total) <input type="checkbox"/> Request: + 1 FTE for Track Inspector (1 total) <input type="checkbox"/> Request: \$8k/Year equipment allowance (\$4k per inspector each biennium) <input type="checkbox"/> FRA Certification training (provided by FRA) <input type="checkbox"/> \$98k for 1 REDDI Sprint dedicated to Railway Safety Program functionality (included in overall cost of REDDI) <input type="checkbox"/> DOR adjustment to State Special Revenue Railroad Assessment to cover program costs not covered by FRA

5

GOAL 5 ACTION PLAN: (Part 1)

PROVIDE BENEFICIAL PUBLIC POLICY SOLUTIONS

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
1. Proactively Engage in Public Policy & Rule Making	<ol style="list-style-type: none"> 1. Monitor state and federal legislative activity & rule- making regarding agency requirements 2. Develop appropriate input & responses 3. Complete all legislatively-required rulemaking prior to the beginning of each legislative session. 4. Regularly review all existing administrative rules to determine if such rules should be modified or repealed. 5. Automate agency rulemaking both as to deadlines &, as far as possible, to support efficient rule revision. 	2021-22	<ul style="list-style-type: none"> <input type="checkbox"/> Create public policy & rule making tracking features in REDDI <input type="checkbox"/> Adopt External Communications Policy
2. Ensure Resource Adequacy	<ol style="list-style-type: none"> 1. Conduct investigation into transmission & distribution (TD) energy efficiency 2. Complete a comprehensive review, survey, and analysis of the ability of Montana’s regulated energy utilities to provide reliable capacity resources to meet their customers’ energy or system loads at all hours 3. Conduct a commission investigation into resource adequacy, primarily to evaluate & determine both the long-term & short-term ability of Montana’s regulated utilities and/or other load serving entities to satisfy forecasted future loads reliably 4. Hold roundtables with regulated entities and interested parties on topics related to the question of whether Montana has enough capacity, contracted or otherwise, to meet system, local, & flexible adequacy requirements 	2021-23	<ul style="list-style-type: none"> <input type="checkbox"/> Complete investigatory docket on transmission & distribution (TD) energy efficiency <input type="checkbox"/> Open Resource Adequacy Investigation Docket <input type="checkbox"/> Request: +1 FTE Energy Resource Analyst

5

GOAL 5 ACTION PLAN: (Part 2)

PROVIDE BENEFICIAL PUBLIC POLICY SOLUTIONS

OBJECTIVES	PRIMARY TASKS	TIMELINE	ACTIONS OR RESOURCES NEEDED
3. Participate in Regional Planning	<ol style="list-style-type: none"> Effectively participate in discussions and decision-making related to regional development Monitor and make actionable recommendations based on regional discussions, meetings and policy developments Promote commissioner & staff engagement in regional and national discussions and meetings related to regionalization 	2022-24	<ul style="list-style-type: none"> <input type="checkbox"/> Request: +1 FTE Administrative Specialist/Policy Analyst <input type="checkbox"/> Request: \$TBD/Year Out-of-State Travel
4. Build Strong Relations with Legislative & Executive Branches	<ol style="list-style-type: none"> Build respectful working relationships with legislative and executive branches Work cooperatively with legislative committees, Governor’s Energy Office, and stakeholders Establish external communications protocol to avoid mixed messaging 	2021-23	<ul style="list-style-type: none"> w/jp Adopt External Communications Policy
5. Provide Meaningful Public Information & Opportunities for Public Comment	<ol style="list-style-type: none"> Develop and distribute easy-to-read reports regarding PSC-related regulatory issues, trends, and advisements Provide timely public notice regarding PSC public meetings and opportunities for public involvement Issue timely public notices regarding outages & incidents Institute communications policy that ensures accurate and thoughtful messaging Manage records so that public records requests can be filled quickly and cost-effectively 	2021-23	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Create External Affairs Manager position and assign to management of Consumer Relations Program w/jp <input type="checkbox"/> Incorporate strong records management capabilities in REDDI w/jp <input type="checkbox"/> Adopt revised Records Requests Policy w/jp <input type="checkbox"/> Adopt External Communications Policy

APPENDIX: INITIATIVES



Strategic Planning Initiatives may be periodically appended after this page with details to further guide accomplishment of each element of the plan.

[NOTE: As of 9/13/22, the following appendages are working drafts that reflect various agency efforts but have not yet been formally appended to this Strategic Plan document.]

APPENDIX 1

ORGANIZATIONAL STRUCTURE



ORGANIZATIONAL STRUCTURE

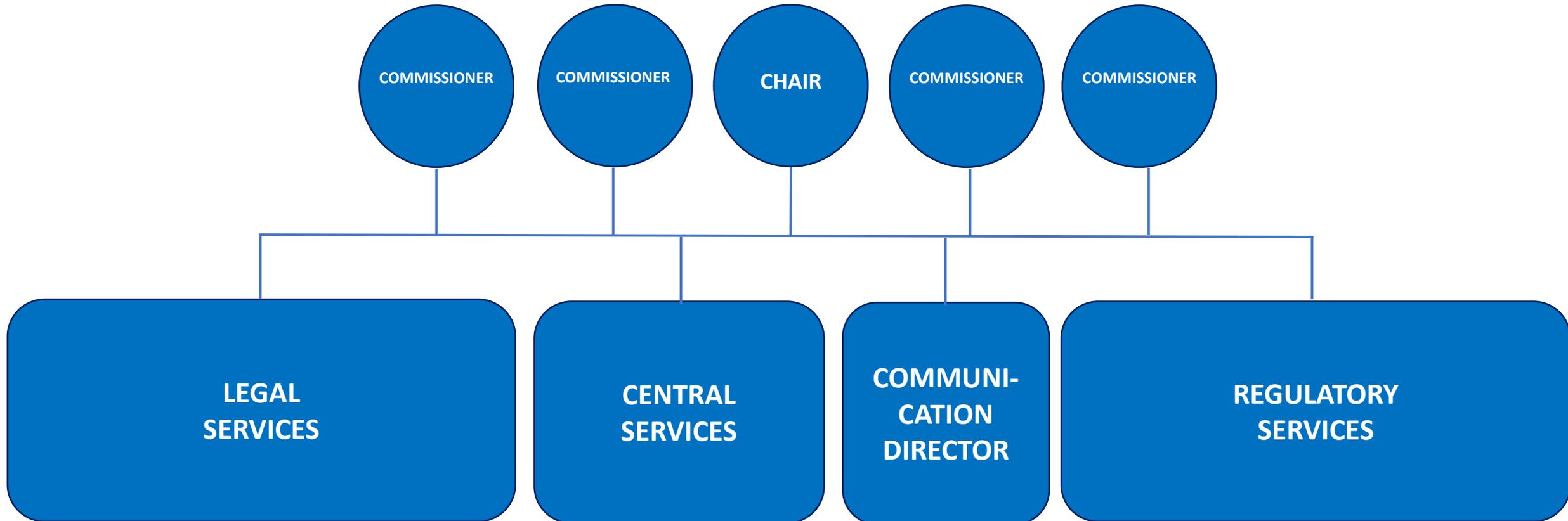
GOAL 1: Improve Organizational Structure

- Define Leadership Roles & Responsibilities
- Establish Chain of Command
- Revise Organizational Rule
- Establish Leadership Training & Standards



Old Administrative Structure

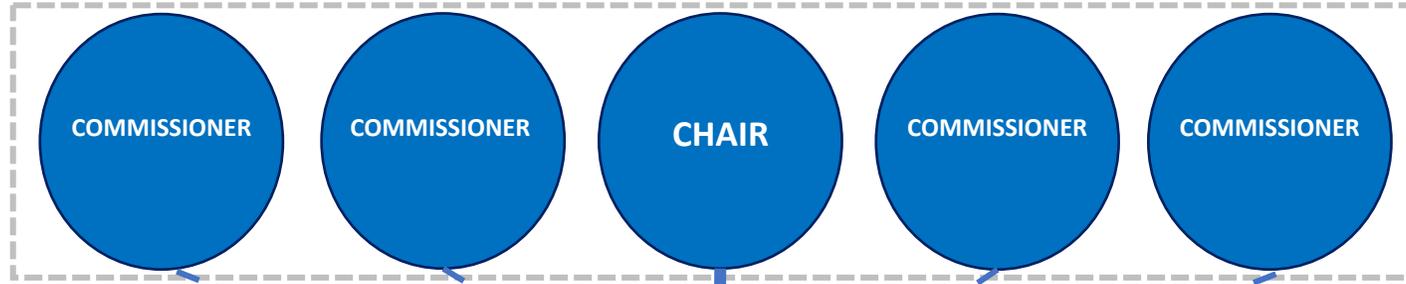
2015-2020





New Administrative Structure

**ADOPTED
CONCEPT
6/29/21**



Convert Communications Director Position to an Executive Director to Oversee:

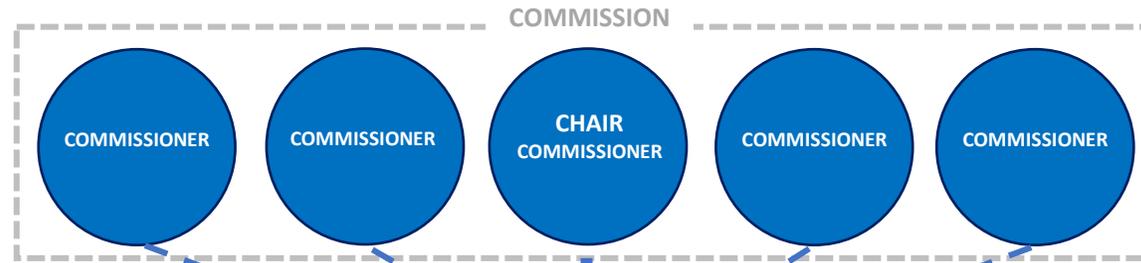
- Personnel Management
- Budget Planning & Management
- Internal Policies & Procedures
- Audit Compliance
- Division Productivity
- Commission Initiatives





New Administrative Chain of Command & Core Duties

**ADOPTED
CONCEPT
6/29/21**



COMMISSION EXECUTES:

- Regulatory Decisions
- Legal Decisions
- Public Policy Decisions
- Agency Budget, Plans & Policies
- Appointments of Exempt Staff

CHAIR:

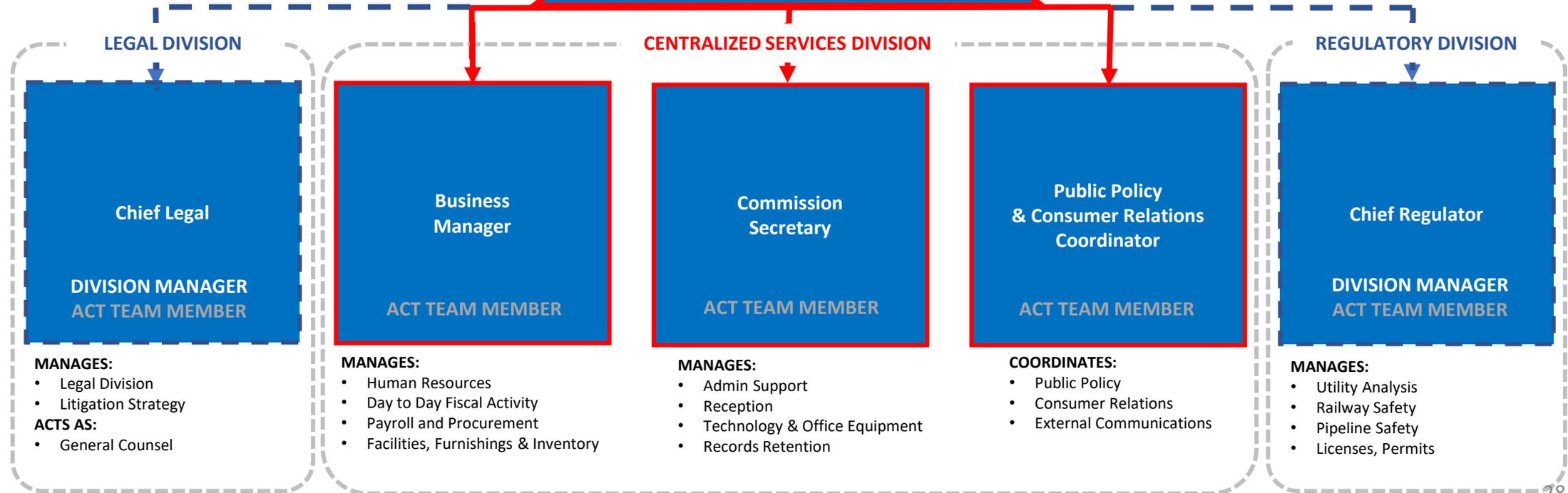
- Sets the Agenda and Presides Over Commission Proceedings
- Directs Chief of Staff on Day-to-Day Matters
- Appoints Special Committees and Work Groups
- Designates Commissioners for Special Assignments

EXECUTIVE DIRECTOR OVERSEES:

- All Exempt Staff
- Agency-Wide Workload Balance/Buffering/Productivity/Performance
- Audit Compliance
- Internal Policies & Procedures

EXECUTIVE DIRECTOR MANAGES:

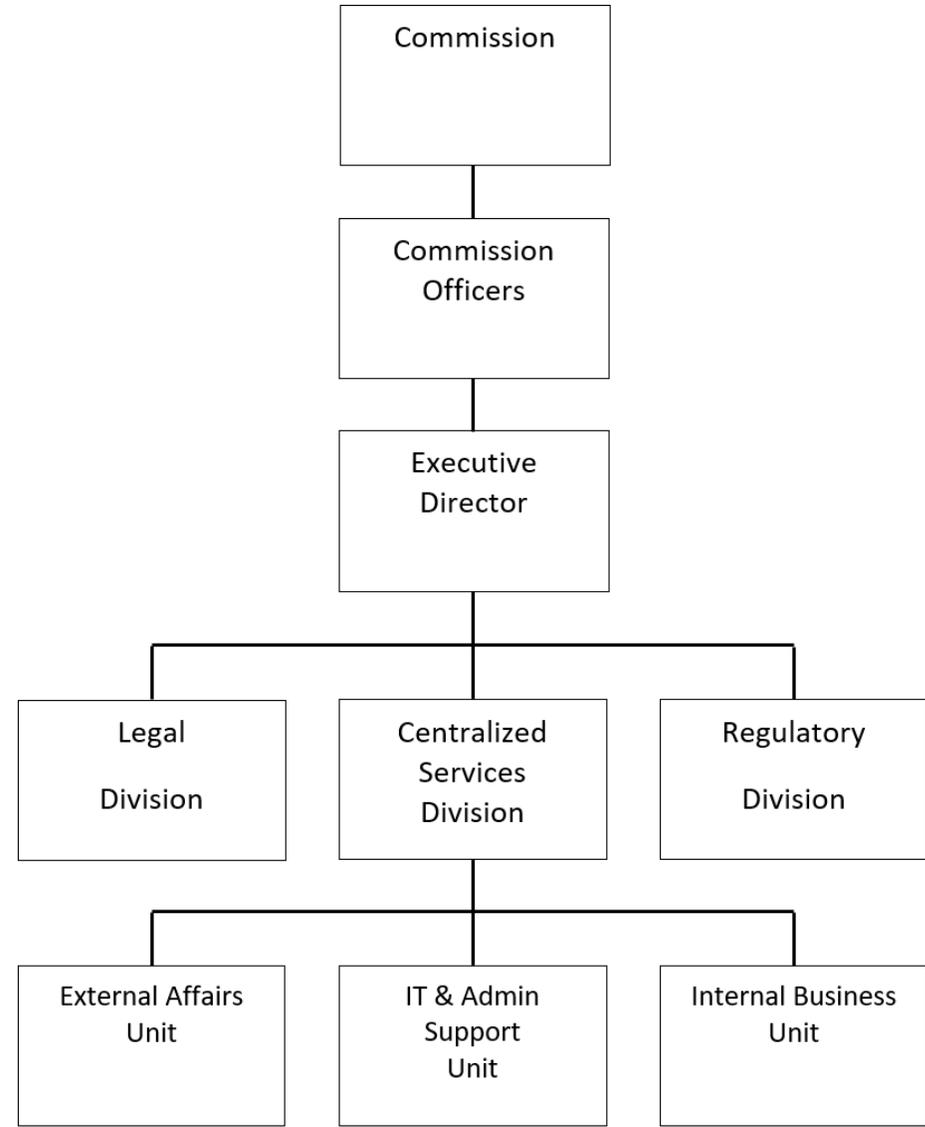
- Centralized Services Division
- Budget Planning & Management
- Media Relations
- Commission Initiatives





Organizational Rule ARM 38.1.10 Revised DPSR Management Structure

(adopted 2/2/22)



APPENDIX 2

FISCAL COMPETENCIES



FISCAL COMPETENCIES

GOAL 2: Improve Centralized Services Fiscal Performance

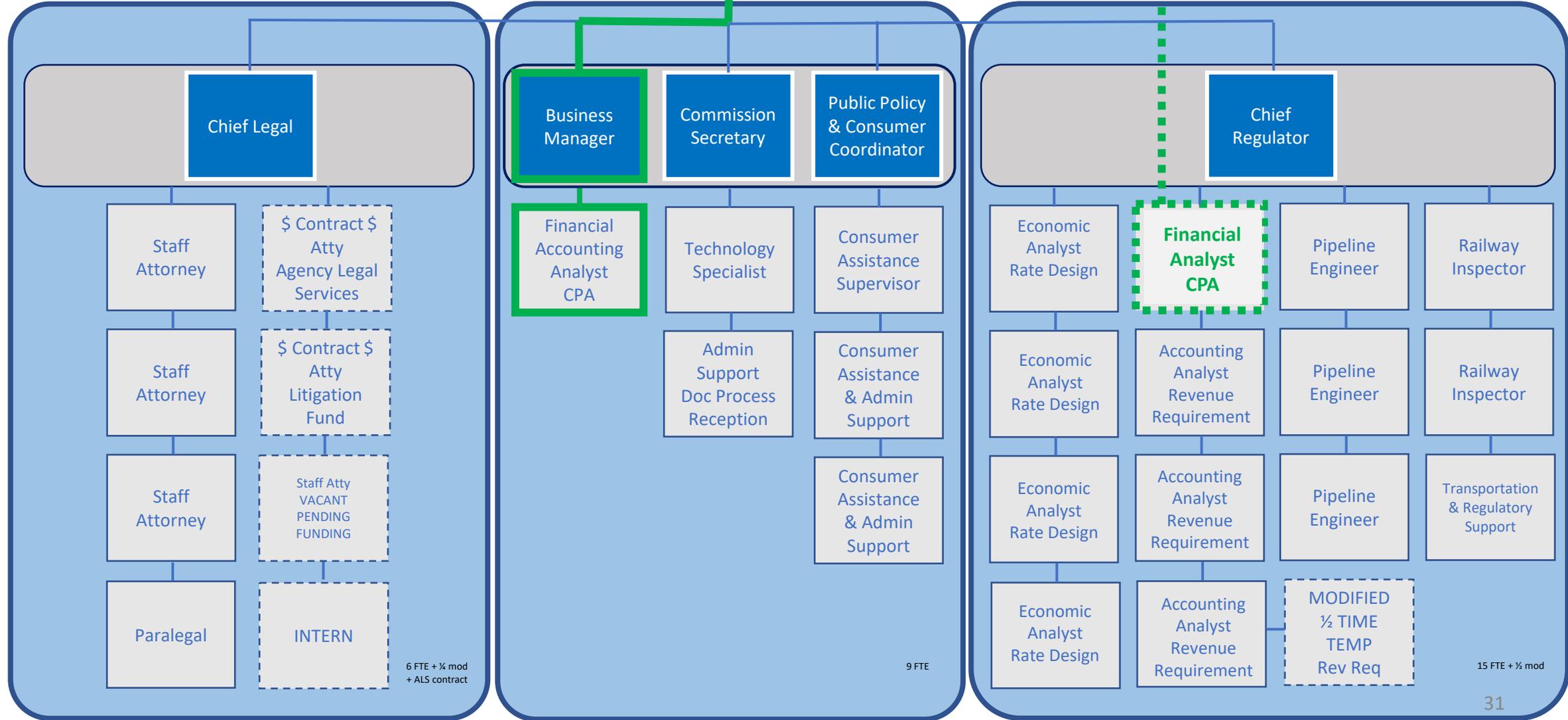
- Increase Competency, Focus, & Performance of Fiscal Staff
- Fully Cover Audit Compliance Responsibilities
- Reassign Non-Fiscal Duties to Non-Fiscal Staff
- Tighten Policies & Procedures
- Enhance Inventory System

New Internal Fiscal Controls

—— Daily Fiscal Operations
- - - - Compliance Monitoring & Guidance

**REVISED
CONCEPT
6/22**

1 FTE



CASH BALANCES FLUCTUATE ON 2-3 YEAR CYCLE



APPENDIX 3

INTERNAL POLICIES & CONTROLS



INTERNAL POLICIES & CONTROLS

GOAL 3: Improve Internal Policies and Controls

- Revise Internal Operations & Policy Manual (Blue Book)
- Perform Annual Risk Assessment
- Create Updated Records Management Standards
- Conduct Cost/Revenue Analysis

Risk Assessment TOOL

Risk Assessment Tool

Department of Public Service Regulation

July 1, 2021

12-Aug-22

PURPOSE - TABS

Risk Factor Criteria: Provides agency objectives, risk assessment criteria, and scoring factors.

Risk Assessment: Provides documentation of the risk-assessment for the agency.

Results: Includes a consolidated matrix that summarizes the scoring results of the risk assessment

Instructions for the Risk Assessment Tool

The risk assessment tool provides a score and weight criteria that can be associated with the agency using both qualitative and quantitative data elements. The overall score can be used to compile an understanding of the agency's risks and relative risk level. This scoring methodology provides a risk score that can be used to help identify areas that may need attention.

The preparer should begin the risk assessment by completing the necessary information on the Risk Factor Criteria Tab.

The Risk Factor Criteria tab allows for the identification and definition of agency objectives. Each objective has a description, along with high, medium, and low risk criteria. The preparer will consider the risk criteria that best describes the entity's current or prior activities when completing the Risk Assessment Tab. Each objective has been assigned a risk-tolerance weight from one (1) to five (5). The higher the weight, the more impact the objective will have on the agency's overall risk score. An option to comment is given on each to provide additional information or key findings that should be documented.

The Risk Assessment tab provides for a risk assessment of the agency based on the preparer's observations, inquiries, or other specific evidence. The preparer should document any additional applicable expectations any results that agree or contrast with expectations and then enter high, medium, or low based on a general assessment of those findings against those expectations.

Once both tabs are completed, the Results Tab will auto-calculate. Overall risk scores determine the risk category to which the agency should classify itself. Risk categories are on a scale from low to high: low, low-medium, medium, medium-high, and high. At the completion of the assessment, appropriate signatures should be obtained.

Agency Objectives, Risk Factor Criteria, and Weightings

Objectives	Description	High-Risk Criteria	Medium-Risk Criteria	Low-Risk Criteria	Risk Tolerance Weight	Weighted Avg	Reason for Weighting
1. Appropriate Organizational Structure	Are the roles and responsibilities of core functions and activities clearly defined and documented so that employees understand?	Roles and responsibilities of core functions are not clearly defined.	Roles and responsibilities of core functions are clearly defined, but employees interchange functional duties outside of established expectations.	Roles and responsibilities of core functions are clearly defined and documented and employees perform duties applicable to their their knowledge, skills, and abilities (KSAs).	3	9.1%	An agency without clearly defined roles, rights, responsibilities, processes, and oversight are more susceptible to improper use and/or misuse by internal and/or external users. The agency has an uncommon circumstance that the 5-member commission is designated by law to serve as the head of the agency, which disrupts lines of responsibility and accountability. As such, the appropriateness of the agency's organization structure is elevated.
2. Adequate Knowledge, Skills and Abilities	Do employees have the KSAs to accomplish their duties? Are training programs and OJT available to equip employees with the KSAs to accomplish their duties? Does management perform periodic evaluations of employees?	Employees do not have the necessary KSAs to accomplish their duties and training and OJT is limited. Management does not perform periodic evaluations.	There are some weaknesses in employee KSAs, but supervisory review can mitigate the risk and some training and OJT is available.	Employees have the necessary KSAs to accomplish their duties, and training and OJT is emphasized.	5	15.2%	Employees who do not have the necessary understanding of applicable rules and responsibilities to accomplish their duties, or who choose not to follow such, can have material effects on agency operations. The agency operates in an arcane area of law and governance. The KSAs of management and staff is very important to the success of the agency.
3. Appropriate Operational Planning and Budgetary Management	Is planning done to give financial and operational agency direction? Is the budget managed in such a manner that the agency maintains sufficient appropriation to plan and perform operations successfully?	No planning is done. The agency frequently encounters operational limitations due to insufficient appropriations or unanticipated expenditures.	Planning is done as a requirement of obtaining funding, but no planning is done to give the organization a sense of direction. The agency infrequently encounters operational limitations due to insufficient appropriation or unanticipated expenditures.	Strategic planning is done as well as the necessary planning to obtain funding and organizational direction. The agency provides reasonable budget requests to the legislature and expends an appropriate degree of appropriations in meeting its objectives.	3	9.1%	A lack of financial and agency planning can create administrative problems for all areas big and small. Inadequate budgetary management and compliance may prevent sufficient resources to perform operations, result in an inflexibility to changing conditions or stakeholder needs, or result in distracting costs and activities to oversight bodies. The agency has existed for a long time and the strategy employed to achieve its objectives (quasi-judicial/executive function) is not expected to change. Agency appropriations are based largely on the Regulated Utility tax, which is determined independent of the general fund and the activities of the agency. Nonetheless, operations are generally triggered by stakeholder (private and public) needs and management would be remiss if not establishing expectations of those needs.
4. Appropriate Processes and Policies	Are processes and/or policies well-defined, understood and followed?	Processes and/or policies are not well documented, understood, or followed.	Processes and/or policies are well documented but not consistently followed.	Processes and/or policies are well documented, understood, and followed.	2	6.1%	A lack of well defined policies/procedures, for internal and external users, can create confusion for agency in terms of applicable rights, roles, responsibilities, and expectations of agency outcomes. Most of the policies and procedures are established by other entities, such as Statute, MOMs, DoA, etc. Nonetheless, the agency has specific circumstances that necessitate additional policies/procedures.
5. Appropriate Systems	Does the electronic system(s) capture and report accurate data?	The electronic system(s) has problems with accurate reporting and/or data input can be manipulated.	Problems with data input and reporting can happen but mitigating controls exist that alleviate the risk.	Controls exist to catch input errors and allow accurate reporting. The information is communicated to appropriate internal and external parties.	2	6.1%	An electronic system that is deficient in capturing accurate information (inputs and outputs) will inhibit any oversight abilities for internal and external users in a timely manner. The SABHRS system is not deficient and is maintained by an independent agency. Otherwise, the agency has a significant need to maintain a proper database of stakeholders and dockets.
6. Sufficient Monitoring and Control Activities	Has management established and implemented activities to ensure the quality of the agency performance over time, including to prevent or to promptly resolve discrepancies, variances, findings, or nonconformance.	The agency has not designed or implemented control activities and does not monitor activities in an on-going basis (built into operations).	The agency has established control activities but monitoring activities lack an accurate baseline (outdated procedures), are not on-going (built into operations), or lack effective implementation.	The agency has established effective control activities, including monitoring activities. The activities document the results of the activities, including the remediation of identified deficiencies.	5	15.2%	A lack of control/monitoring activities or control/monitoring activities that are ineffective can have negative effects on agency outcomes. The largest costs to the agency are the personnel costs, which are controlled/monitored by State HR, in addition to the agency. Other costs, such as supplies, materials, capital outlay are less relevant. Nonetheless, given many of the triggering events to agency operations include application submissions from external stakeholders, there is always an inherent pressure for the agency to perform professionally in response to those service requests. Moreover, the work and decisions of the Commission is expected by law to be conducted in open public sessions. As such, those inherent pressures elevate the need for the agency to properly control and monitor its activities.
7. Adequate Risk Assessment and Risk Response	Are periodic and effective risk assessments performed? Has management defined objectives, risks to those objectives, and risk tolerances clearly? Do those identified risks include analyzing changes to the internal control system? Has management adopted an appropriate and cost effective array of risk responses at the activity level to reduce risks?	The agency does not perform periodic risk assessments. Management has not addressed risks with appropriate risk mitigation responses.	The agency performs a periodic risk assessment but the results of the risk assessment lack efficacy. Management has addressed identified risks with risk mitigation responses but the responses do not adequately reduce risk to an acceptably low level.	The agency performs periodic and effective risk assessments. Management has addressed identified risks with appropriate risk mitigation responses.	3	9.1%	An agency that does not perform periodic risk assessments is unable to identify and correct deficient processes. Risk appetites should vary but an agency that does not understand its risks and risk appetite could over-allocate resources to risks that are within a reasonable risk appetite or under allocate to material risks. Considerations should be made for likely impact, frequency, public trust, etc. Commissioners and staff are inherently aware of the agency's operational objectives and responsibilities given they are specifically identified in statute. Nonetheless, the legal and regulatory functions of the agency may have a tendency to be unaware of objectives outside their expertise areas.
8. Appropriate Ethical and Legal Conduct	Does the agency address the various forms of misconduct, such as fraudulent financial reporting, misappropriation of assets, corruption, waste, and abuse?	The agency has known instances of misconduct and did not respond accordingly with actions such as stopping or reorganizing operations, reallocating roles among personnel, or developing new control procedures such as revised risk assessment procedures.	The agency has recent instances of misconduct, but responded accordingly with actions such as stopping or reorganizing operations, reallocating roles among personnel, or developing new control procedures such as revised risk assessment procedures.	The agency regularly communicates and exemplifies appropriate standards of conduct and has no known instances of misconduct. The agency regularly assesses for misconduct risk and responds accordingly to those assessment results.	4	12.1%	Misconduct in the workplace has the potential to have serious consequences, such as distressing agency operations or staff morale, delimiting agency mission, monetary consequences, civil filings, or criminal prosecutions. Given the professional nature of the agency, misconduct could derail current and planned agency initiatives and projects.
9. Compliance with Other Requirements	Considering conformance with applicable laws, regulations, and government or industry standards, does the agency adequately identify, monitor, and respond to compliance requirements?	The agency operates within a highly complex regulatory environment and/or the agency has numerous/excessive compliance findings identified by third parties or audits (if applicable).	The agency operates in a moderately complex regulatory environment and/or has an average number (for the type of agency) of compliance findings identified by third parties or audits (if applicable).	The agency operates in a simple regulatory environment and/or has a low number (for the type of agency) of compliance findings identified by third parties or audits (if applicable).	2	6.1%	Noncompliance may result in repayments of funds or other costs. The agency participates in a small number of federal programs and does not implicate the federal single-audit threshold.
10. Appropriate Public Relationship Management	What impact does the work performed by the agency have on the department's image?	Agency functions are seen as detrimental to the departmental image. Public trust has been breached.	Agency functions are seen as inconsequential or ineffective and have no effect on the department's image.	Agency functions are seen as a positive input to the departmental image. Public trust is strong.	4	12.1%	A lack of public trust for the Department can be detrimental and distractive to all functions of the Department. The agency's relationship to some of Montana's largest companies and investors as well as utility company consumers significantly elevates the agency's need to maintain an appropriate degree of public trust.

Annual Risk Assessment

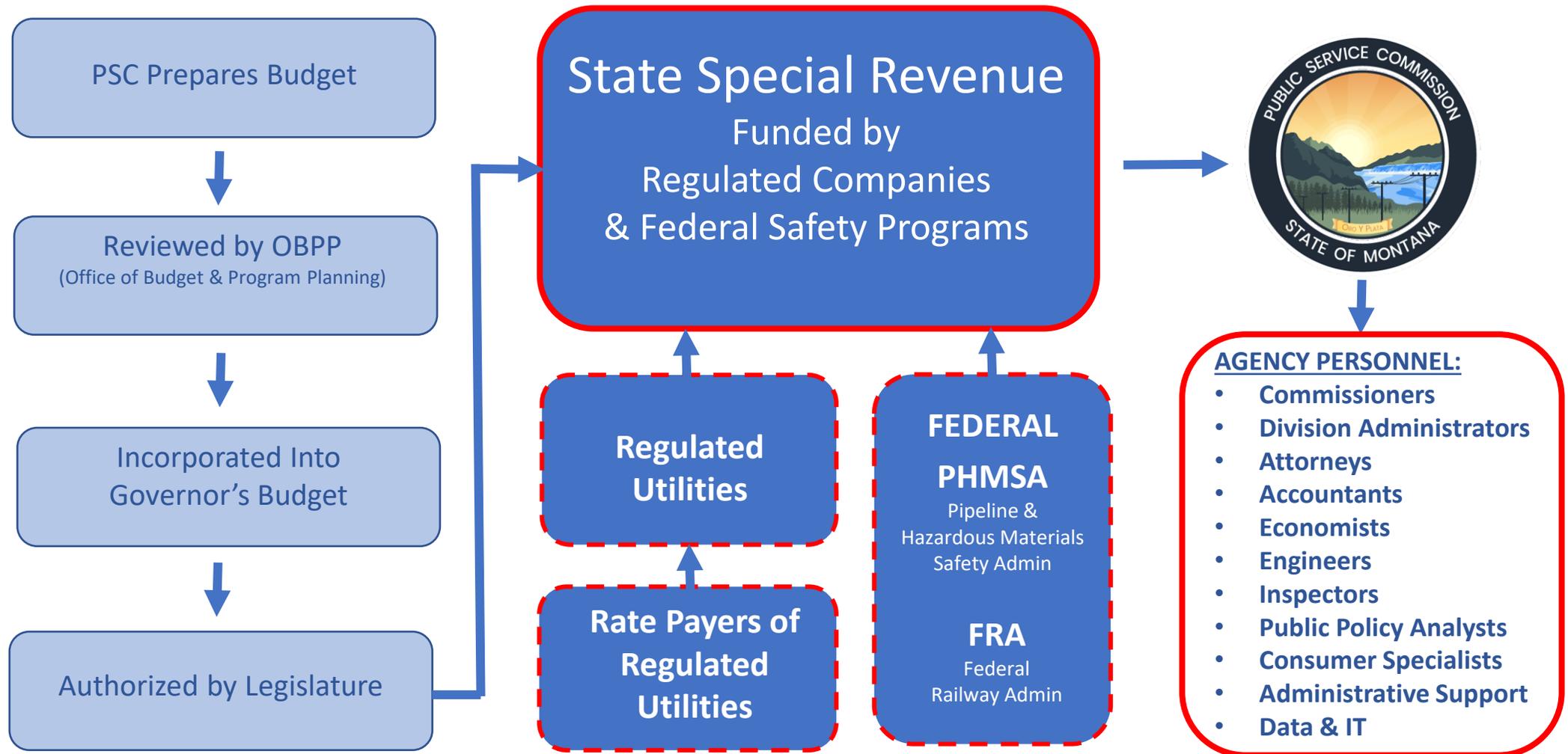
DRAFT 8-12-22

Risk Assessment

Risk Assessment Performed For		Department of Public Service Regulation
Date		8/12/2022
Objective	Risk Rating	Comments
1. Appropriate Organizational Structure	Low	The agency is in the mist of a project evaluating its organizational structure. It established a subcommittee to deliberate options (the ACT committee). It has adopted the preliminary results of that effort, as evidence in commission minutes (6/29/2021). The new structure includes a new Executive Director position to control for some of the management difficulties associated with having a 5-member elected body as the head of the agency. Given these recent actions, this risk rating is set to low.
2. Adequate Knowledge, Skills and Abilities	Low	The regulatory and legal staff have sufficient and appropriate KSAs, as evident by established work histories and appropriate certifications. The preparer of this risk assessment has KSAs appropriate to perform quasi-independent assurance function for the agency. The Business Manager position was filled in late 2021 with a well-qualified employee who has sufficient KSA. Further, in late 2021, the financial position was also filled with a long-serving state employee with a demonstrated history of competent performance. As a result, this risk rating has been lowered from medium to low risk.
3. Appropriate Operational Planning and Budgetary Management	Medium	Although the agency's docket tracking system is inadequate due to technical deficiencies with the agency's case management system (EDDI), commission staff frequently and regularly communicate with external stakeholders and are accustomed to meeting operational obligations as they arise in both the near and long term. Therefore, this risk is mitigated by pro-active efforts by the agency. However, the agency has encountered budgeting issues in recent years. As evidenced in the recent audit report, the agency arranged for a utility to pay for the cost of outside counsel, which should have been paid by the agency. That cost would have had a significant impact on remaining appropriations. Also, the agency lost a number of FTE a few bienniums ago because it was perceived not to have been properly managing its staffing levels and unintendedly conveyed to the legislature that it didn't need those FTE. While the agency was able to 'add' an additional FTE during the 2021 Montana Legislative Session, the agency remains grossly understaffed -- particularly in the areas of the railroad division, centralized services and legal. The agency remains acutely at risk in its IT Department as the agency has only one FTE available in this area. Should this employee leave or take an extended leave of absence, the agency will be without a dedicated IT professional, thereby putting all agency operations at risk should a significant IT issue arise. The agency is attempting to mitigate this risk by requesting 4 additional FTE as part of its budget request for the 2023 Montana legislative session. However, as it is unclear whether the agency will be provided additional and necessary staffing, this risk level remains at medium.
4. Appropriate Processes and Policies	Medium	The Legislative Auditor has previously determined that the PSC does not have adequate policies and procedures. As a result of recent financial and compliance audits, the agency is currently in the process of developing, updating, and reestablishing written policies and procedures for all significant aspects of the agency. The agency has established a committee for the purpose of reviewing and updating the policies and procedures. As of August of 2022, the Agency is close to finalizing its new policies and procedures, which such policies and procedures are specifically drafted to mitigate agency risk and to satisfy state laws and policies. However, until such time as those new policies and procedures are actually adopted and followed, this risk rating remains at medium.
5. Appropriate Systems	Medium	The agency's case management and docketing system is inadequate. It has design and programming flaws that have been deemed to be more costly than beneficial to remediate. The agency has obtained appropriations in the current biennium to begin replacing the system. As of August of 2022, the Agency has selected a new operating system and has been working with a third-party consultant and State SITS/D to implement the new system, measures that reduce the risk in this area. The SABHRS system is adequate for financial accounting, budgeting, and HR purposes. However, until a new docket system is deployed and found sufficient, this risk rating remains at medium.
6. Sufficient Monitoring and Control Activities	Medium	The agency is accustomed to putting on its public agenda and work-groups its monitoring activities. However, as evidenced by the results of its FY19-20 audit report, the agency was significantly deficient in applications of some of its accounting functions (e.g., travel forms). In response, the agency has reorganized several positions relative to the accounting function and has begun reviewing and updating its internal controls. With the addition of two well-qualified employees in the Central Services Division, as well as the oversight by the Commission President of spending and MOM compliance efforts, the Agency's efforts to implement sufficient monitoring and control activities has resulted in improvement in this area. As a result, this risk rating has been lowered from high to medium.
7. Adequate Risk Assessment and Risk Response	Low	This risk assessment is the second known documented risk assessment performed by the agency. Draft versions of policies and procedures intend for a documented risk assessment to be performed annually. However, it should be noted that agency personnel assert that because of the smallness of the agency, agency personnel intuitively understand their objectives and risks. The assertion is not necessarily unreasonable. Nonetheless, it is appropriate for the agency to formally document its objectives and to perform an evaluation of risks associated with those objectives. As the agency has now implemented a risk rating tool, and has used the tool in consecutive years, and as the agency is presently undertaking an agency effort to document both and short-term goals and objectives, the risk level set is moved from medium to low.
8. Appropriate Ethical and Legal Conduct	Low	As indicated in the FY19-20 audit, there are published instances of management override of control and instances of waste of governmental resources. In response, the agency has reorganized the agency, hired more experienced and qualified persons in the Central Services Division, changed policies and procedures, and removed pro-card privileges. For these reasons, including the appropriateness of the agency's response, risk level is set to low.
9. Compliance with Other Requirements	Low	Based on inquiry and also on results of PHMSA annual performance and triennial financial audits, the agency has no known noncompliance issues. For these reasons, this risk level set to low.
10. Appropriate Public Relationship Management	High	The agency still needs to improve its current public image. It has had many recent unfavorable news articles, including for reasons relating to its FY19-20 financial audit as well as cases in the courts. For these reasons, and because individual commissioners often engage in public communications and activities that focus, sometimes inadvertently, negative attention on the agency and/or undermine its credibility as to its quasi-judicial functions, this risk level remains set to high.

How We Are Funded

Budget Approval Process, Revenue Sources, Primary Expenses



APPENDIX 4



REGULATORY EFFECTIVENESS

GOAL 4: Increase Regulatory Effectiveness

- Modernize Electronic Docket Management System
- Increase Staffing Proficiencies
- Maintain Sufficient Staffing Levels
- Ensure Fully Informed Commission Actions
- Issue & Defend Sound Commission Orders
- Rebuild & Enhance Railway Safety Program

APPENDIX 4
INITIATIVE 1:



SOFTWARE MODERNIZATION REDDI

REPLACE ELECTRONIC DATA & DOCKET INFORMATION SYSTEM



REDDI

TOTAL PROJECT ADJUSTED BUDGET

(8/24/22)

	FY 22 BUDGETED	FY 23 BUDGETED	22-23 BIENNIUM BUDGETED	FY 24 PENDING APPROPRIATION	FY 25 PENDING APPROPRIATION	24-25 BIENNIUM PENDING APPROPRIATION	TOTAL PROJECT COSTS including project management (FY 22, 23, 24), configuration (FY 23-24), 3 years annual software licensing (FY 23,24,25), and SITSD fees (FY 22-23)
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PLANNED COSTS:

REDDI PROJECT MANAGER COSTS (Reunion Consulting Group)	\$ 85,840.00	\$128,637.00	\$ 214,477.00	\$ 75,000.00	\$ -	\$ 75,000.00	\$ 289,477.00
REDDI SYSTEM DEVELOPEMENT COSTS (Stratosphere Consulting)	\$687,743.00	\$540,103.00	\$ 1,227,846.00	\$ 939,468.00	\$ -	\$ 939,468.00	\$ 2,167,314.00
REDDI ANNUAL SOFTWARE LICENSE COSTS (Pega Systems)	\$ -	\$138,000.00	\$ 138,000.00	\$ 138,000.00	\$ 138,000.00	\$ 276,000.00	\$ 414,000.00
SITSD COSTS (Extra EDDI costs above budgeted)	\$ 24,523.00	\$ 23,000.00	\$ 47,523.00	\$ -	\$ -	\$ -	\$ 47,523.00
TOTAL COSTS:	\$798,106.00	\$829,740.00	\$ 1,627,846.00	\$ 1,152,468.00	\$ 138,000.00	\$ 1,290,468.00	\$ 2,918,314.00

PLANNED FUNDING:

PSC Software Budget - Initial (2021 HB 2 - OTO)	\$251,701.00	\$251,701.00	\$ 503,402.00	\$ -	\$ -	\$ -	\$ 503,402.00
PSC Software Budget - Fixed (2021 HB 2 - OTO)	\$165,000.00	\$255,680.00	\$ 420,680.00	\$ -	\$ -	\$ -	\$ 420,680.00
OBPP Supplemental (2021 SB 191 - Biennial)	\$378,882.00	\$324,882.00	\$ 703,764.00	\$ -	\$ -	\$ -	\$ 703,764.00
Additional Appropriation Request (2023 HB 2 - OTO Project Manager)	\$ -	\$ -	\$ -	\$ 75,000.00	\$ -	\$ 75,000.00	\$ 75,000.00
Additional Appropriation Request (2023 HB 2 - OTO System Development)	\$ -	\$ -	\$ -	\$ 939,468.00	\$ -	\$ 939,468.00	\$ 939,468.00
Additional Appropriation Request (2023 HB 2 - FIXED - Annual Software License)	\$ -	\$ -	\$ -	\$ 138,000.00	\$ 138,000.00	\$ 276,000.00	\$ 276,000.00
TOTAL FUNDS:	\$795,583.00	\$832,263.00	\$ 1,627,846.00	\$ 1,152,468.00	\$ 138,000.00	\$ 1,290,468.00	\$ 2,918,314.00

APPENDIX 4
INITIATIVE 2:

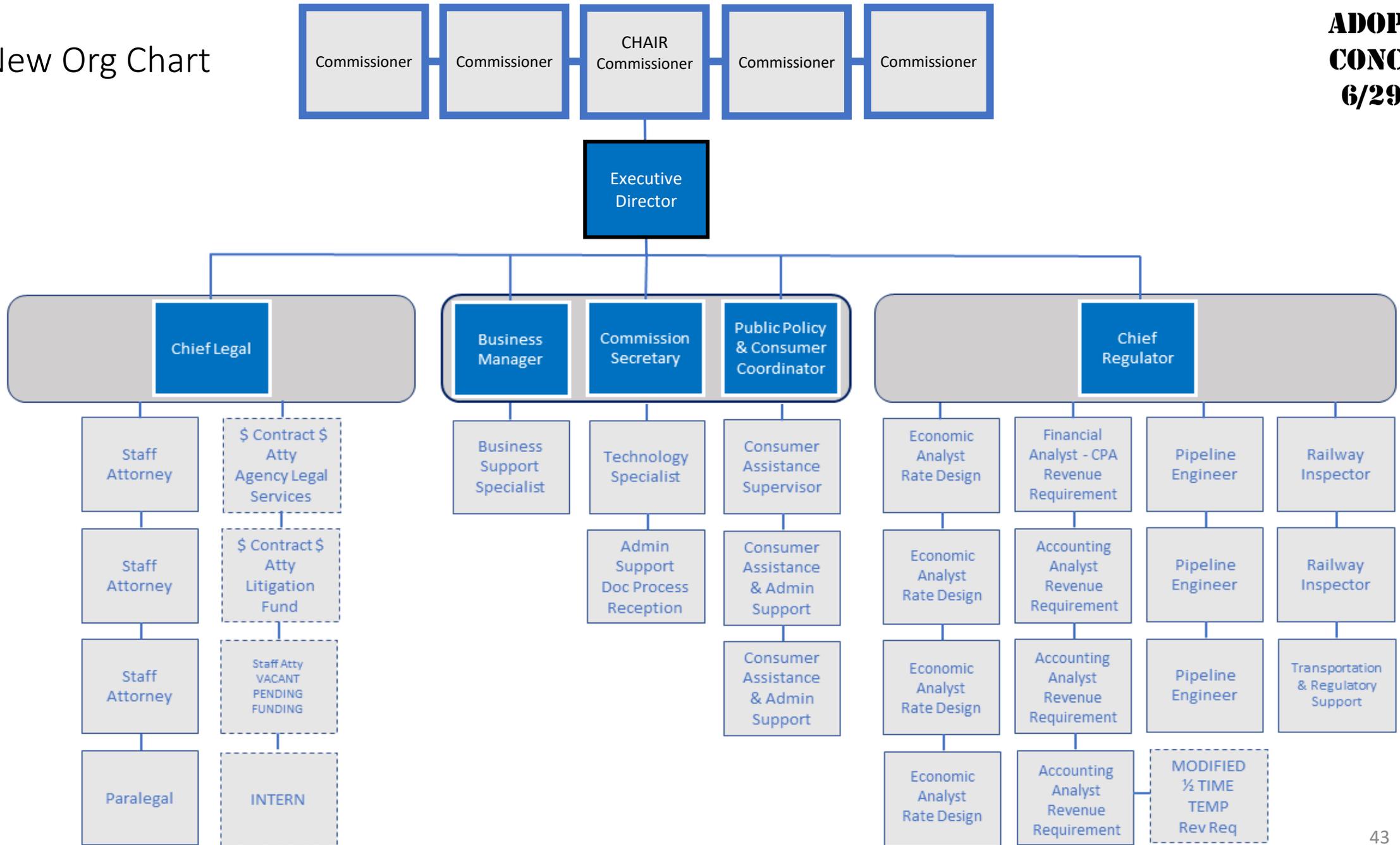


STAFFING PROFICIENCY & STABILITY

REPLACE ELECTRONIC DATA & DOCKET INFORMATION SYSTEM

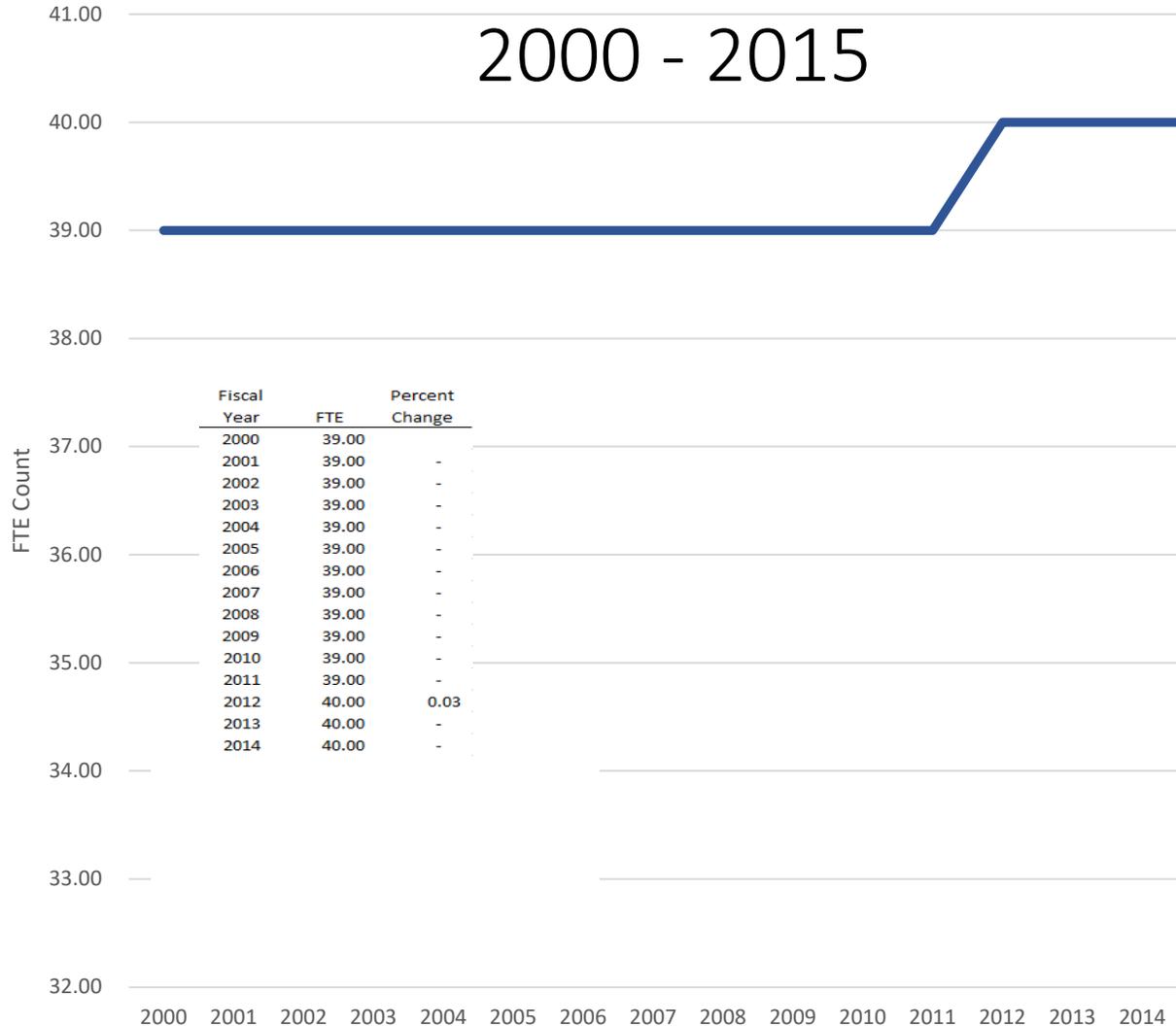
New Org Chart

**ADOPTED
CONCEPT
6/29/21**



FTE Stability

2000 - 2015

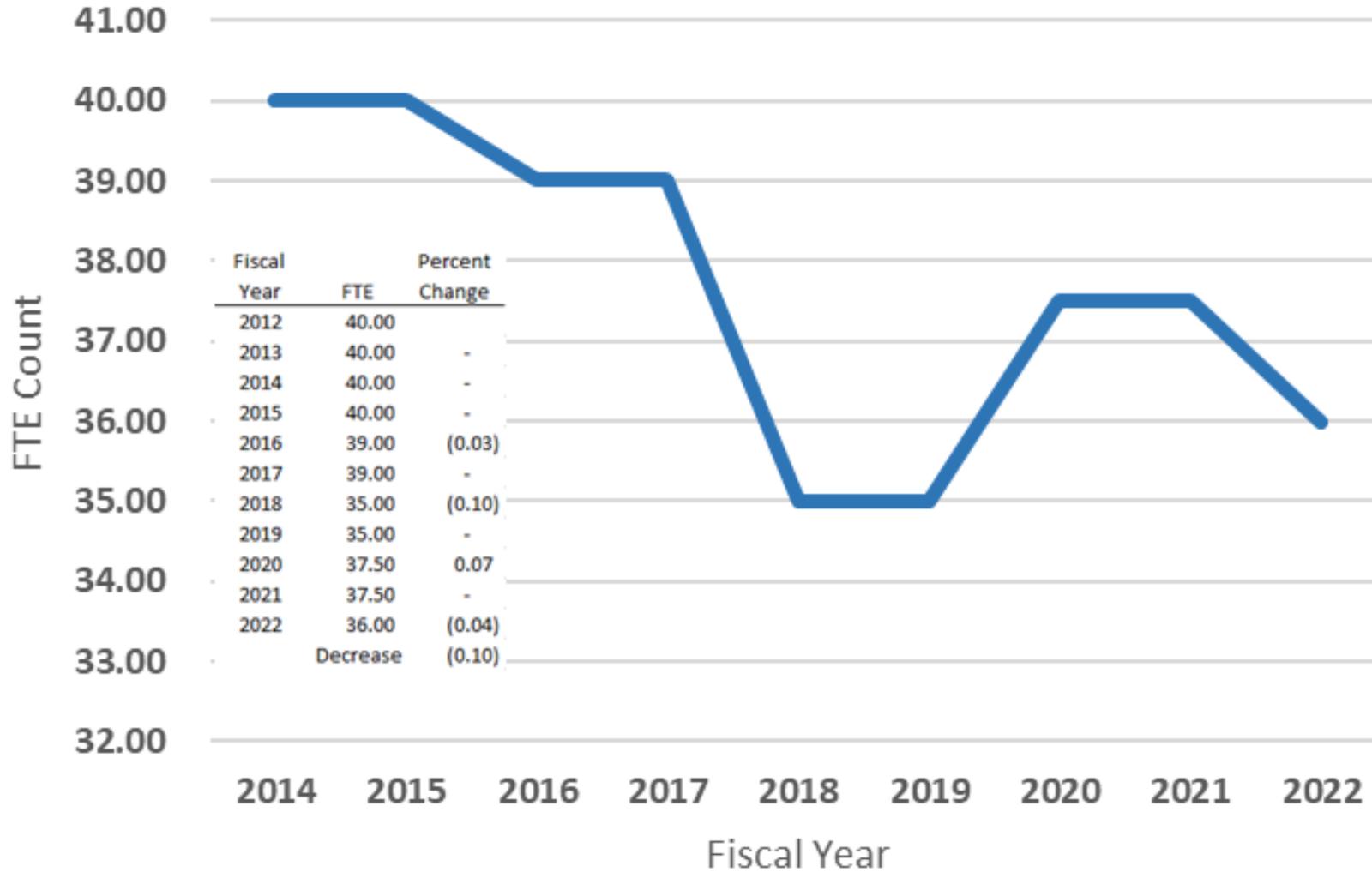


**For 15 years the PSC
had 39 - 40 FTE**

In 2015-17, the legislature cut the agency down to 35 FTE, a net loss of 14.3% of our staff.

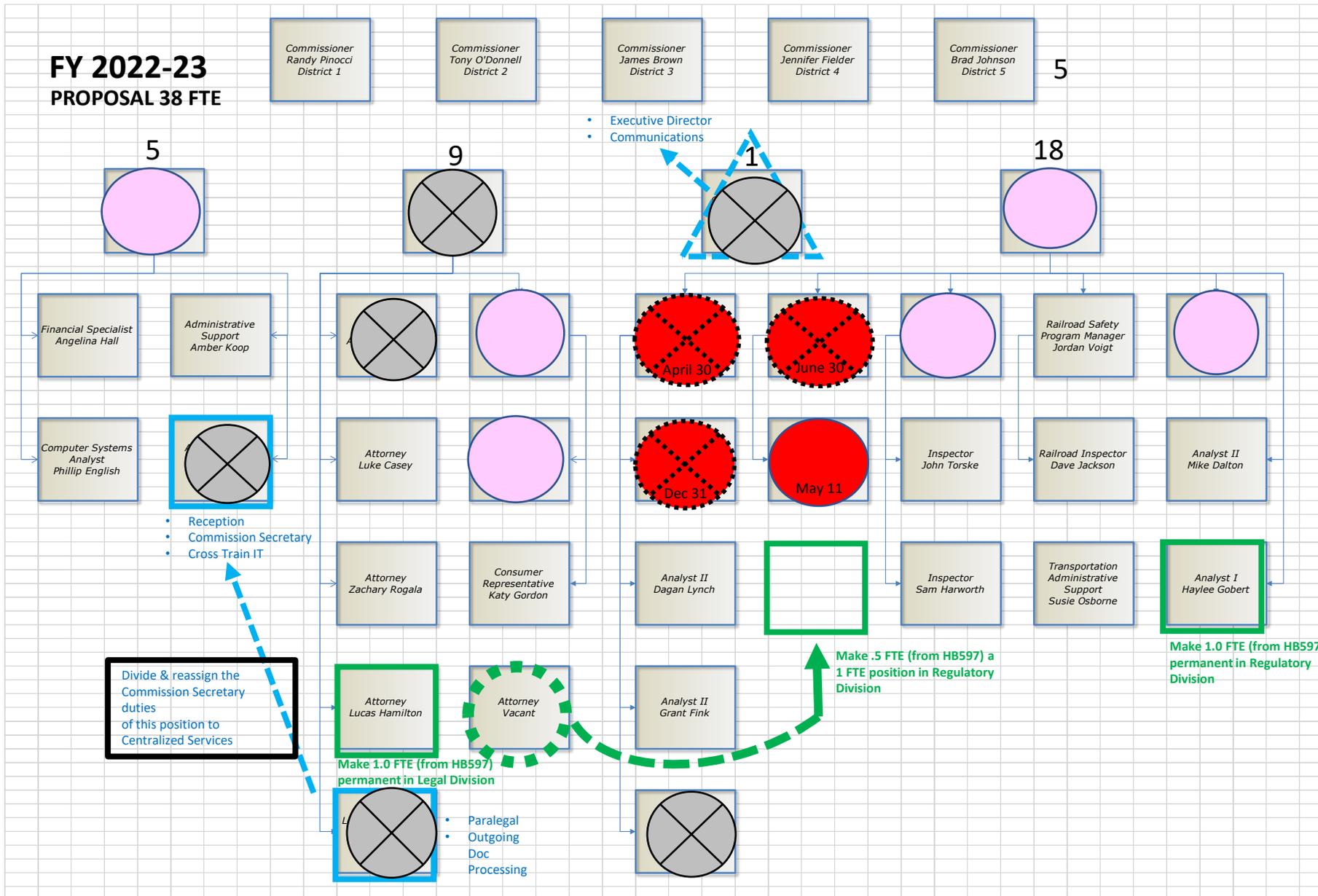
FTE Instability

2015 – 2022



The PSC has been hit with wild fluctuations in FTE levels over the last 6 years.

Staffing Analysis: January 2021



VACANCY STATUS:

- ⊗ Vacant (6)
- ⚙️ Planned Retirements 2021 (3)
- Other Anticipated Vacancies (1)
- Others Eligible for Retirement (6)

38 FTE PLAN:

- ▣ Make 2 HB597 FTE's Permanent
- ➡️ Change .5 HB597 FTE into 1 FTE Move to Reg Division
- ▣ Split Paralegal/Commission Sec
- ⚙️ Convert Coms Director to Exec Director w/Coms Strengths

LEGISLATIVE HELP NEEDED

- ✗ Repeal HB 597's Hearings Examiner Mandate
- ✗ Make the 2.5 FTE from HB 597 permanent and round up to 3.0 FTE
- ? Complete Software Modernization

AGENCY ACTION:

- ✓ Strategic Plan/Restructure
- ✓ Ramp Up Recruitment & Retention
- ✓ Cross-Train & Succession Plan
- ? Repair/Replace EDDI 46