

STATE OF MONTANA  
DEPARTMENT OF JUSTICE  
AGENCY LEGAL SERVICES BUREAU

RECEIVED

JUL 15 2021

MONT. P.S. COMMISSION

1712 Ninth Avenue  
P.O. Box 201440  
Helena, MT 59620-1440

Austin Knudsen  
Attorney General



July 14, 2021

James Brown, Chairman  
Montana Public Service Commission  
1701 Prospect Ave  
Helena, MT 59620-2601

Dear Mr. Brown:

Enclosed please find a copy of your fully executed Memorandum of Understanding (MOU), for Fiscal Year 2022.

Sincerely,

A handwritten signature in cursive script that reads "Laurretta D. Briscoe".

Laurretta D. Briscoe  
Legal Secretary 1

Enc.



## **MEMORANDUM OF UNDERSTANDING**

### **Section 1. Parties and Purpose of Agreement:**

- 1.1 The Memorandum of Understanding (MOU) is entered between the Montana Public Service Commission and the Montana Department of Justice – Agency Legal Services Bureau (ALSB), hereinafter “Counsel”.
- 1.2 The purpose of this MOU is to ensure that the Montana Public Service Commission has legal advice and representation in various forums as required by the Montana Public Service Commission.

### **Section 2. General Duties and Responsibilities:**

- 2.1 The duties of counsel are to provide, as appropriate, legal advice, representation and/or hearing examiners on those matters assigned to it by the Montana Public Service Commission.
- 2.2 The Montana Public Service Commission shall pay Counsel at the following rate:
  - One Hundred and Twenty-One Dollars (\$121.00) per hour for attorney time.
  - Seventy-One Dollars (\$71.00) per hour for paralegal, investigator, legal assistant, and legal intern time spent on non-administrative and non-secretarial duties.

Fees for fractions of hours worked shall be paid on a proportionate basis to the nearest one-tenth hour. Payments by the Montana Public Service Commission shall be made monthly upon receipt of an itemized statement prepared by Counsel describing the services performed in the preceding month. The statement shall account for attorney, paralegal, investigator, legal assistant, and legal intern time in hour and one-tenth-hour increments. Attorneys, paralegals, investigators, legal assistants, and legal interns may be working on the same case but will bill for different work or a different purpose than each other.

- 2.3 Counsel and others described herein who provide services shall be reimbursed by the Montana Public Service Commission for actual expenses reasonably incurred, including but not limited to the cost of telephone calls, document copying, and travel expenses allowed by state law. Expenses shall be itemized in a statement in a statement as described in Section 2.2 above.

### **Section 3. Records and Work Product:**

- 3.1 Counsel shall maintain reasonable records of its performance and expenses under this agreement and shall allow access to these records by the Montana Public Service Commission and other agencies of the State as required by law.

3.2 The Montana Public Service Commission shall own all work papers and end products produced under this MOU and Counsel shall have no authority to release information concerning work done pursuant to this agreement without the prior consent of the Montana Public Service Commission.

**Section 4. Term and Effective Date:**

4.1 This MOU is effective July 1, 2021 and terminates on June 30, 2022, unless terminated earlier, upon reasonable notice, in writing and served upon either party by the other.

**Section 5. Modification:**

5.1 This document contains the entire agreement between the parties and any statements, promises, or inducements made by either party, or agents of either party, which are not contained in this MOU shall not be valid or binding. The MOU shall not be enlarged, modified, or altered except upon written agreement signed by both parties to the agreement.

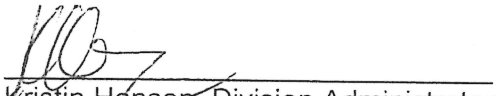
**SIGNATURES:**



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James Brown, Chairman  
Montana Public Service Commission

5/21/2021  
DATE

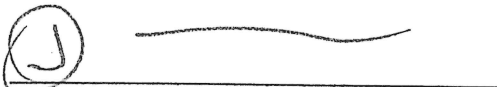


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Kristin Hansen, Division Administrator  
Montana Department of Justice

5-26-2021  
DATE

Approved as to Legal Content:



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Jay Porteen  
Assistant Attorney General

5-18-21  
DATE