

Resolution No, 13 - _____

A RESOLUTION OF THE BILLINGS, MONTANA, CITY COUNCIL, REQUESTING TO BE ALLOWED TO INTERVENE IN PUBLIC SERVICE COMMISSION DOCKET #D2010.2.14, INVOLVING OWNERSHIP CHARGES CONTAINED WITHIN NORTHWESTERN ENERGY ELECTRIC LIGHTING TARRIFS WITHIN THE CITY

WHEREAS, James T. and Elizabeth A. Gruba and Leo G. and Jeanne R. Barsanti have filed a complaint with the Montana Public Service Commission (PSC) on behalf of themselves and others, alleging that an ownership charge in Northwestern Energy's street lighting tariff is unreasonable and unjustly discriminatory; and

WHEREAS, Mr. Barsanti on behalf of the petitioners has requested that the City of Billings become the first city in the State of Montana to intervene in the case; and

WHEREAS, the City of Billings is responsible for billing all property owners in street lighting districts for their share of the cost of constructing and maintaining those districts, and the City Council wishes to be sure that the tariff it charges under PSC authorization is fair and just ; and

WHEREAS, the City of Billings City Council wishes the PSC to use its expertise to have investigated and determined whether the ownership charge is unreasonable and unjustly discriminatory; and

WHEREAS, a Notice of Opportunity to Intervene in Complain Proceeding was mailed to the City of Billings' general address on or about September 25, 2013, but it was impossible to determine who in the City received the document, and City staff only became aware of the pendency of the case upon an appearance by a petitioner at the City Council work session on October 15, 2013; and

WHEREAS, the City of Billings City Council has been made aware by staff of the potential for a late filing to intervene being allowed by the PSC "for good cause shown"; and

WHEREAS, the City of Billings City Council takes seriously its statutory and own requirements for public notice before considering an issue as important as a street lighting tariff.

NOW, THEREFORE, THE BILLINGS, MONTANA, CITY COUNCIL DOES HEREBY RESOLVE TO REQUEST LEAVE OF THE PSC TO INTERVENE LATE IN DOCKET #D2010-2-14.

Approved by the Billings, Montana, City Council this 28th Day of October, 2013.

Thomas W. Hanel, Mayor

Attest:

Cari Martin, City Clerk