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*Attorneys for Montana-Dakota Utilities Co.*

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION)  
OF MONTANA-DAKOTA UTILITIES CO.)  
FOR APPROVAL OF A GENERAL RATE )  
INCREASE IN ITS RETAIL NATURAL )  
GAS SERVICE UTILITY RATES OF 14.29)  
PERCENT. )

DOCKET NO. 30013-415-GR-24  
(RECORD NO 17710)

**MONTANA- DAKOTA UTILITIES CO.'S  
REPORT OF REMAINING ISSUES OF FACT AND LAW, MOTIONS AND EXHIBITS**

Montana-Dakota Utilities Co., ("Montana-Dakota" or "Company"), the Applicant in the above-entitled proceeding, by and through its undersigned counsel, Associated Legal Group, LLC, hereby submits its *Report on Remaining Issues of Fact and Law, Motions and Exhibits* pursuant to the Wyoming Public Service Commission's (Commission) *Scheduling Order* stating as follows:

**I. PROCEDURAL HISTORY**

1. Montana-Dakota is a Delaware corporation engaged in the business of supplying natural gas utility service to approximately 20,300 customers throughout the Acme, Big Horn, Buffalo, Colony, Cowley, Kaycee, Lovell, Powell, Sheridan and Story communities under certificates of public convenience and necessity (CPCN) issued by the Commission.

2. Montana-Dakota is a public utility as defined in the W. S. § 37-1-101 (a) (vi) (D), providing natural gas public utility service under applicable CPCNs as issued by the Commission. Montana-Dakota is subject to the Commission's jurisdiction pursuant to W. S. § 37-2-112.

3. Montana-Dakota filed its Application for a General Rate Increase on October 31, 2024 pursuant to W.S. §37-3-106 and Chapter 3, Section 21 (k) and 23 of the Commission's Rules and Regulations. Montana-Dakota submitted its application together with supporting testimony, exhibits and revised tariff sheets requesting the Commission to approve the Company's revised tariffs and proposal to increase its Residential, Firm General and Large Interruptible service classes. The proposal as requested would result in an average overall increase of 14.29%. The request would result in a projected additional annual increase of approximately \$2,587,652 in Montana-Dakota's revenues based upon a 12-month test year ending December 31, 2023

4. The Application was supported by the testimony of Nicole A. Kivisto, Tammy J. Nygard, Ann E. Bulkley, Shawn Nieuwsma, Jesse Volk, Larry E. Kennedy, Tara R. Vesey, Ronald J. Amen and Stephanie Bosch.

5. The Commission, by Suspension Order dated November 19, 2024, suspended the filing for the six-month term prescribed by W. S. § 37-3-106 (c).

6. A *Notice of Application* was issued on November 19, 2024 and described the Application. The notice stated that the request for the increase in revenues was primarily driven by continued investment in distribution facilities in order to improve system safety and reliability with corresponding increases to depreciation expenses related to these assets and increasing costs of doing business. In the notice, the Company averred that its existing rates were unjust, unreasonable and not compensatory such that it prevented the Company from fully recovering its costs in providing natural gas service and in earning a fair rate of return on its natural gas operations.

7. The Office of Consumer Advocate (OCA) give notice on December 2, 2024 of its intent to participate as a party pursuant to the provisions of W. S. § 37-2-402 (a). While the Notice of

Application provided that anyone desiring to file a statement, intervention, petition or protest a request for a public hearing would need to do so on or before December 19, 2024, there were no other protests, comments or requests for intervention or hearing filed in the docket.

8. Following the exchange of correspondence between the parties, the Commission issued a *Scheduling Order* dated February 6, 2025 which provided for filing and discovery deadlines as well as for a final prehearing conference to be held on June 4, 2025 and a public hearing to be held on June 24, 2025 at 9:00 AM.

9. On March 28, 2025 the OCA timely filed the testimony and exhibits of Christopher C. Walters, David J. Garret, Justin J. Ballard, and Anthony Ornelas with proposed adjustments to operating revenues, operating expenses and proposed revisions to Montana-Dakota's cost of service. The testimony and exhibits supported a return on equity of 9.45% and an overall rate increase of \$1,904,393.

10. Subsequently, Montana-Dakota and the OCA engaged in settlement discussions regarding the Application and reached an agreement resolving the outstanding issues that existed between them. The Agreement was memorialized in a *Stipulation and Agreement* that was filed on May 9, 2025 with the Commission.

11. The parties agree to an increase in Montana- Dakota's Wyoming jurisdictional natural gas revenues of \$2,122,158 per annum. The proposed rates produce additional revenues of \$2,123,793, or an average increase of 11.68% and a return on equity (ROE) of 9.65%.

12. In the *Stipulation and Agreement*, the parties agree that the agreement is in the public interest and that it is reasonable. While it is a compromise of competing positions, the parties state that it was negotiated in good faith and is in the public interest. The parties agree that the

new rates for gas service should be effective for service rendered on and after August 1, 2025, or as soon thereafter as may be approved by the Commission.

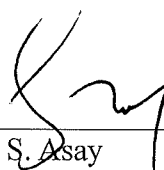
## **II. REMAINING ISSUES OF FACT OR LAW FOR RESOLUTION**

13. Montana-Dakota acknowledges that the *Stipulation and Agreement* represents a compromise in the position of the parties which has resolved all issues of fact or law. The Commission is referred to the Final Decision Matrix which delineates the respective positions of the parties.

## **III. MOTIONS AND EVIDENTIARY DISPUTES**

14. Montana-Dakota acknowledges that the *Stipulation* represents a compromise of the positions of the parties in the docket and has resolved all issues relating to evidence or the exhibits. The Company will not be filing any prehearing motions including motions in limine or motions to strike.

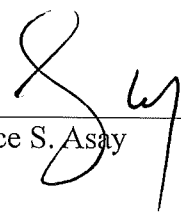
Dated this 28<sup>th</sup> day of May 2025

  
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### **Certificate of Service**

The undersigned certifies that he served a copy of the foregoing by electronic mail, DMS or personal delivery this 28<sup>th</sup> day of May, 2025 to the following:

Shelby Hamilton  
Staff Attorney  
Office of Consumer Advocate  
2515 Warren Ave., Suite 304  
Cheyenne, WY 82002

  
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Bruce S. Asay