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DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

IN THE MATTER OF the Complaint of)	REGULATORY DIVISION
SHOSHONE CONDOMINIUM HOTEL)	
OWNERS ASSOCIATION, a Montana)	DOCKET NO. D2013.9.71
Facility)	
)	
Complainant,)	
)	
v.)	
)	
ABACO ENERGY SERVICES, LLC)	
a North Dakota Limited Company,)	
)	
Defendant.)	

PETITION FOR GENERAL INTERVENTION

Pursuant to Order No. 7393 of the Public Service Commission (“Commission”), and ARM 38.2.2401 and 38.2.2403, Boyne USA, Inc. (“Boyne”) hereby moves the Commission for general intervention in the above-captioned matter. Boyne accepts the Commission invitation to participate as a party and has a direct and substantial interest in this proceeding.

I. PETITIONER.

Boyne owns and operates Big Sky Ski Resort in Big Sky, Montana. ABACO Energy Services, LLC (“Abaco”) has a contract to deliver propane service through an underground delivery system at Big Sky. The contract contains negotiated terms and prices for propane service. Abaco currently owns parts of the propane plant, operates, and maintains the propane plant and equipment, storage tanks, piping, valves and metering equipment (“Propane System”). The Propane System is located on real property owned directly or indirectly by Boyne. Subject to certain conditions which are more fully set forth in the contract, upon termination of the contract Boyne will have the right to purchase the Propane System at a price negotiated at that time. Boyne and the Shoshone Condominium Hotel Owners Association, Inc. (“Shoshone HOA”) currently share a propane meter. The Shoshone HOA uses propane, in part, as a source to heat the Shoshone Condominium building. In approximately 2002 and 2003, Shoshone HOA and Boyne entered into an agreement whereby Shoshone HOA and Boyne each agreed to pay a portion of the propane bill, without any markup. Since 2007, Abaco has generated the propane bill.

II. BOYNE’S INTEREST, POSITION, AND RELIEF SOUGHT.

In Order No. 7393, the Commission stated “Boyne appears to be an indispensable party to this proceeding.” Order 7393, ¶ 29. Accordingly, “the Commission invite[d] Boyne to voluntarily become an intervening party to this proceeding.” *Id.* ¶ 30. Boyne accepts the Commission’s invitation, and provides “a clear and concise statement of [its] direct and substantial interest” in this proceeding, its “position regarding to the matter at controversy,” and its “statement of relief desired,” pursuant to ARM 38.2.2403.

Boyne has a direct and substantial interest in this matter because it is a party to a contract with Abaco and has the option of purchasing the Propane System from Abaco upon termination of the contract. Regulation of propane distribution through the Propane System will have a direct effect on the pricing and terms of the services Abaco provides, which will impact Boyne's real property and servicing of the propane system that provides propane to the mountain village area. Regulation will also have a direct impact on the use and disposition of the propane system located on real property directly or indirectly owned and controlled by Boyne.

Boyne's position is the Commission does not have jurisdiction over Abaco's propane system or its sales to Boyne.

III. BOYNE IS NOT ADEQUATELY REPRESENTED BY ANY EXISTING PARTY.

Boyne's participation in this matter should not be limited because its interests are not adequately represented by any existing party in this matter. ARM 38.2.2406. Abaco does not represent Boyne's interests in this matter. Abaco and Boyne are separate and independent entities with competing interests concerning the Propane System. Boyne purchases services from Abaco. Accordingly, Boyne's interests regarding the propane services are distinct from the Abaco's interests. Similarly, the Shoshone HOA does not adequately represent Boyne's interests. The Shoshone HOA shares a meter with Boyne and has sued Boyne in connection with these transactions and other related matters. The parties are currently engaged in litigation. Therefore, Boyne's interests are also distinct from the Shoshone HOA's interest in relation to the subject matter of this proceeding. The Shoshone HOA has suggested to its members that PSC regulation of the propane system will decrease the cost of propane and related services. Boyne is concerned that this suggestion is inaccurate and that, in fact, the cost of propane and propane services will increase.

IV. CONTACT INFORMATION.

The contact information for Boyne is:

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CONCLUSION

For the foregoing reasons, Boyne requests the Commission grant its petition for general intervention.

Dated June 9th, 2015.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has, this day of June ^{9th}, 2015, been served by first class mail, postage prepaid, upon the following:

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