

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

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IN THE MATTER OF THE COMPLAINT OF  
SHOSHONE CONDOMINIUM HOTEL  
OWNERS ASSOCIATION, A MONTANA  
CORPORATION,

Complainant,

v.

ABACO ENERGY SERVICES, LLC a North  
Dakota Limited Company,

Defendant.

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UTILITY DIVISION

Docket No. D2013.9.71

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**ABACO ENERGY SERVICES, LLC'S DATA REQUESTS TO SHOSHONE  
CONDOMINIUM HOTEL OWNERS ASSOCIATION**

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ABACO, Energy Services, LLC, ("ABACO") by and through its undersigned counsel of record, hereby submits the following data requests to Shoshone Condominium Hotel Owners Association ("Shoshone").

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**ABACO-001**

RE: Complaint  
Witness Unknown

(a) Please state in detail each fact supporting your allegation in Paragraph 3 of the Complaint that ABACO “is a public utility under Section 69-3-101 MCA.”

(b) Please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your responses to 001(a).

**RESPONSE**

**ABACO-002**

RE: Complaint  
Witness Unknown

(a) Please admit that Shoshone, and each of the units within the Shoshone Condominium Hotel, obtains its propane from Boyne, USA.

(b) If your response to 002(a) is anything other than an unqualified admission, please state each fact that supports your response.

(c) If your response to 002(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your responses to 002(a) and 002(b).

**RESPONSE**

**ABACO-003**

RE: Complaint  
Witness Unknown

(a) Please admit Shoshone is not a customer of, and has never been a customer of ABACO.

(b) Please admit that none of the individual units within the Shoshone Condominium Hotel are customers of or have ever been customers of ABACO.

(c) If your response to 003(a) or (b) is anything other than an unqualified admission, please state each fact that supports your response.

(c) If your response to 003(a) or (b) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your responses to 003(a) and 003(b).

**RESPONSE**

**ABACO-004**

RE: Complaint  
Witness Unknown

(a) Please admit Shoshone does not receive, and never has received, its propane supply directly from ABACO.

(b) Please admit that none of the individual units within the Shoshone Condominium Hotel receives or ever has received, its propane supply directly from ABACO.

(c) If your response to 004(a) or (b) is anything other than an unqualified admission, please state each fact that supports your response.

(c) If your response to 004(a) or (b) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your responses to 004(a), (b) and (c).

**RESPONSE**

**ABACO-005**

RE: Complaint  
Witness Unknown

(a) Please state in detail each fact supporting your allegation in Paragraph 3 of the Complaint that “ABACO and Boyne have negotiated a propane delivery agreement which allows users to lock in a rate based on a request for a bid to local distributors which includes scheduled and delivered propane to fill the farm tanks.”

(b) Please identify each of the “users” referenced in the above quoted sentence from your Complaint.

(c) Please identify each of the “local distributors” referenced in the above quoted sentence from your Complaint.

(d) Please define “farm tanks” and who owns the “farm tanks” referenced in the above quoted sentence from your Complaint.

(e) Please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your response to 005(a).

(f) Please product a copy of the propane delivery agreement you allege exists as referenced in the above quoted sentence from your Complaint.

**RESPONSE**

**ABACO-006**

RE: Complaint  
Witness Unknown

(a) Please state in detail each fact supporting your allegation in Paragraph 3 of the Complaint that “ABACO under the agreement then charges the lock price plus an additional 50 cents per gallon to support the local distribution costs and tank farm operation and maintenance.”

(b) Please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your response to 006(a).

**RESPONSE**

**ABACO-007**

RE: Complaint  
Witness Unknown

(a) Please state in detail each fact supporting your allegation in Paragraph 3 of the Complaint that “It is estimated that Shoshone Condominium Hotel uses approximately 30,000 gallons of propane per year.”

(b) Please produce a worksheet or other documentation showing the calculation of how you arrived at your estimate that Shoshone Condominium Hotel uses approximately 30,000 gallons of propane per year and state the date this estimate was last calculated.

(c) Please state how each the approximately 30,000 gallons of propane used by the Shoshone Condominium Hotel is allocated to individual units within the Shoshone Condominium Hotel.

(d) Please produce all other documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your response to 007(a) and (c).

**RESPONSE**

**ABACO-008**

RE: Complaint  
Witness Unknown

(a) Please state in detail each fact supporting your allegation in Paragraph 3 of the Complaint that “Shoshone representatives have investigated the approximate estimated cost to obtain propane from a Billings refinery at commodity wholesale prices and delivered to Shoshone for approximately 7 cents per gallon.”

(b) Please state the date the investigation referenced in the above quoted sentence from your Complaint occurred.

- (c) Please identify each of the “Shoshone representatives” by name, address, and phone number referenced in the above quoted sentence from your Complaint.
- (d) Please identify each “Billings refinery” referenced in the above quoted sentence from your Complaint.
- (e) Please define “commodity wholesale price” referenced in the above quoted sentence from your Complaint and state in detail how the amount is calculated and each component that is included in that wholesale price.
- (f) Please identify each distributor who has agreed to deliver to Shoshone propane for the amount referenced in the above quoted sentence from your Complaint, specifying each vendor’s name, address, and phone number.
- (g) Please state the propane grade and quality that each distributor agreed to deliver to Shoshone referenced in the above quoted sentence from your Complaint.
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- (h) Please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that support your responses to 008(a), (b), (d), (e), (f), and (g).

**RESPONSE**

**ABACO-009**

RE: Complaint  
Witness Unknown

- (a) Please state in detail each fact supporting your allegation in Paragraph 3 of the Complaint that “Shoshone representative has investigated that the approximate per gallon cost to acquire, construct and maintain a 30,000 gallon tank on a long term amortized basis including operation and maintenance would be approximately 3 cents per gallon.”
- (b) Please state the date the investigation referenced in the above quoted sentence from your Complaint occurred.
- (c) Please identify the “Shoshone representative” by name, address, and phone number referenced in the above quoted sentence from your Complaint.
- (d) Please identify each vendor or supplier contacted, including their name, address, and phone number, to determine each of the costs referenced in the above quoted sentence from your Complaint.
- (e) Please state the specific terms, including the length of the amortization period, offered by each vendor or supplier contacted as referenced in the above quoted sentence from your Complaint.

(f) Please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your responses to 009(a), (b), (d), and (e).

**RESPONSE**

**ABACO-010**

RE: Complaint  
Witness Unknown

(a) Please state in detail each fact supporting your allegation in Paragraph 3 of the Complaint that “Shoshone through its representative has investigated and found that it could hire a broker to handle the scheduling and ordering of propane for approximately 2 cents per gallon.”

(b) Please state the date the investigation referenced in the above quoted sentence from your Complaint occurred.

(c) Please identify the “Shoshone representative” by name, address, and phone number” referenced in the above quoted sentence from your Complaint.

(d) Please identify each “broker” Shoshone contacted as referenced in the above quoted sentence from your Complaint.

(e) Please identify each “broker” who agreed to provide scheduling and ordering of propane for Shoshone for approximately 2 cents per gallon as referenced in the above quoted sentence from your Complaint.

(f) Please state the specific terms and services offered by each “broker” contacted as referenced in the above quoted sentence from your Complaint.

(g) Please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your responses to 010(a), (b), (d), (e), and (f).

**RESPONSE**

**ABACO-011**

RE: Complaint  
Witness Unknown

(a) Please state why, if your investigation concluded that Shoshone could obtain propane plus delivery, handling and storage cheaper than Shoshone is currently being charged as alleged in Paragraph 3 of your Complaint, that Shoshone has not contracted with the supplier and other vendors for the cheaper rates.

(b) Please admit that ABACO has never informed Shoshone that it is prohibited from contracting with another supplier or vendor for its propane needs.

(c) If your response to 011(b) is anything other than an unqualified admission, please state each fact that supports your response.

(d) If your response to 011(b) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your responses to 011 (b) and (c).

**RESPONSE**

**ABACO-012**

RE: Complaint  
Witness Unknown

(a) Please admit that Shoshone Condominium Hotel determines the rates charged for propane to individual unit owners within the Hotel.

(b) If your response to 012(a) is anything other than an unqualified admission, please state each fact that supports your response.

(c) Please admit that ABACO does not set, calculate or otherwise determine the amounts charged for propane to individual unit owners within the Shoshone Condominium Hotel.

(d) If your response to 012(c) is anything other than an unqualified admission, please state each fact that supports your response.

(e) If your responses to 012(a) or 12(c) are anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, invoices, billing statements, contracts, or other writings that supports your responses to 012(a) and 012(c).

**RESPONSE**

**ABACO-013**

RE: Complaint  
Witness Unknown

If this Commission ultimately decides to regulate ABACO as a public utility, please state why this Commission should not also regulate Boyne, USA, the Shoshone Condominium Hotel and/or the Shoshone Condominium Hotel Owners Association as public utilities.

**RESPONSE**

**ABACO-014**

RE: Complaint  
Witness Unknown

(a) Please admit there are many propane providers who service the Big Sky area and with whom Shoshone could contract for its propane needs.

(b) If your response to 014(a) is anything other than an unqualified admission, please state each fact that supports your response.

(c) If your response to 014(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, or other writings that supports your response to 014(a).

**RESPONSE**

**ABACO-015**

RE: Complaint  
Witness Unknown

(a) Please admit Shoshone has contracted with Boyne, USA to supply Shoshone with all of its propane needs.

(b) If your response to 015(a) is an admission, please produce a copy of Shoshone's contract(s) with Boyne, USA.

(c) If your response to 015(a) is anything other than an unqualified admission, please state each fact that supports your response.

(d) If your response to 015(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, or other writings that supports your response to 015(a).

**RESPONSE**

**ABACO-016**

RE: Complaint  
Witness Unknown

(a) Please admit Shoshone is free to select any propane supplier of its choosing.

(b) If your response to 016(a) is anything other than an unqualified admission, please state each fact that supports your response.

(c) Please admit that Shoshone is free to install its own propane tanks.

(d) If your answer to 016(c) is anything other than an unqualified admission, please state each fact that supports your response.

(e) If your response to 016(a) or (c) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, or other writings that supports your response.

**RESPONSE**



**ABACO-017** RE: Complaint  
Witness Unknown

Please produce a copy of any contractual agreement, services contract, or management agreement between Boyne, USA and Shoshone that relates to or in any way impacts the provision or supply of propane to Shoshone or the calculation of the cost of propane to Shoshone.

**RESPONSE**

**ABACO-018** RE: Complaint  
Witness Unknown

Please produce copies of all invoices, billing statements, accounting documents, or other written document, letter or email, received by Shoshone for the supply of propane from any person or entity at any time in the past five (5) years.

**RESPONSE**

**ABACO-019** RE: Complaint  
Witness Unknown

- (a) Please admit Shoshone can install its own propane tanks, distribution lines and meters on its own property.
- (b) If your response to 019(a) is anything other than an unqualified admission, please state each fact that supports your response.
- (c) If your response to 019(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, or other writings that supports your response.

**RESPONSE**

**ABACO-020** RE: Complaint  
Witness Unknown

- (a) Please state the total number of units in the Shoshone Condominium Hotel building.
- (b) Please state how many of those units are owned by the Owners Association.
- (c) Please state how many of those units are owned by Boyne, USA.

(d) Please state how many of those units are owned by individuals or entities other than the Owners Association or Boyne, USA.

**RESPONSE**

**ABACO-021**

RE: Complaint  
Witness Unknown

(a) Please admit the tank farm and distribution lines referred to in your Complaint are all located on private property owned by Boyne, USA.

(b) If your response to 021(a) is anything other than an unqualified admission, please state each fact that supports your response and identify the owner of the real property upon which these facilities are located.

(c) If your response to 021(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, or other writings that supports your response.

**RESPONSE**

Dated this 7<sup>th</sup> of January, 2016.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By Kimberly A. Beatty  
Kimberly A. Beatty

Attorneys for ABACO Energy Services, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on the 7<sup>th</sup> day of January, 2016, a true and correct copy of the foregoing was this day served as follows:

Will Rosquist  
Justin Kraske  
Jeremiah Langston  
Public Service Commission  
1701 Prospect Ave.  
P.O. Box 202601  
Helena, MT 59620-2601

- E-Filed
- E-Mail
- Hand Delivered
- First Class Mail
- Overnight

Robert Planalp  
Landoe, Brown, Planalp,  
Braaksma & Reida, P.C.  
27 N. Tracy  
P.O. Box One  
Bozeman, MT 59771-0001

- E-Mail
- Hand Delivered
- First Class Mail
- Overnight

Michael Green  
Wiley Barker  
Crowley Fleck, PLLP  
900 N. Last Chance Gulch, Suite 200  
Helena, MT 59601

- E-Mail
- Hand Delivered
- First Class Mail
- Overnight

Monica Tranel  
Office of the Montana Consumer Counsel  
111 N. Last Chance Gulch, Suite 1B  
P.O. Box 201703  
Helena, MT 59620-1703

- E-Mail
- Hand Delivered
- First Class Mail
- Overnight

*Kristi Staples*

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BROWNING, KALECZYC, BERRY & HOVEN, P.C.