

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

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.

UTILITY DIVISION

Docket No. D2013.9.71

ABACO ENERGY SERVICES, LLC'S DATA REQUESTS TO BOYNE, USA

ABACO, Energy Services, LLC, ("ABACO") by and through its undersigned counsel of record, hereby submits the following data requests to Boyne, USA.

ABACO-022

RE: Shoshone Complaint
Witness Unknown

(a) Please admit that Boyne, USA has no ownership interest in ABACO.

(b) If your response to 022(a) is anything other than an unqualified admission, please state each fact that supports your response.

(c) If your response to 022(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, formation documents, meeting minutes, or other writings that supports your response to 022(a).

RESPONSE

ABACO-023 RE: Shoshone Complaint
Witness Unknown

- (a) Please admit that Boyne, USA is not an affiliate of ABACO.
- (b) If your response to 023(a) is anything other than an unqualified admission, please state each fact that supports your response.
- (c) If your response to 023(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, formation documents, meeting minutes, or other writings that supports your response to 023(a).

RESPONSE

ABACO-024 RE: Shoshone Complaint
Witness Unknown

- (a) Please admit the gas purchase agreement executed between ABACO and Boyne, USA was the result of an arm's length negotiation between two unrelated parties.
- (b) If your response to 024(a) is anything other than an unqualified admission, please state each fact that supports your response.
- (c) If your response to 024(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, meeting minutes, or other writings that supports your response to 024(a).

RESPONSE

ABACO-025 RE: Shoshone Complaint
Witness Unknown

- (a) Please admit that Boyne, USA provides propane to Shoshone Condominium Hotel.
- (b) Please admit that Boyne, USA provides propane to the Owners Association.
- (c) Please admit that Boyne, USA provides propane to individual units within the Shoshone Condominium Hotel.

(d) If your response to 025(a), (b) or (c) is anything other than an unqualified admission, please state each fact that supports your response.

(e) If your response to 025(a), (b) or (c) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, meeting minutes, or other writings that supports your response to 025(a), (b) and (c).

RESPONSE

ABACO-026 RE: Shoshone 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-027 RE: Shoshone Complaint
Witness Unknown

(a) Please admit that Boyne, USA provides propane to condominiums, unit owners, buildings and entities other than Shoshone.

(b) If your response to 027(a) is anything other than an unqualified admission, please state each fact that supports your response.

(c) If your response to 027(a) is anything other than an unqualified admission, please produce all documents, communications, letters, emails, notes, contracts, meeting minutes, or other writings that supports your response to 027(a).

RESPONSE

ABACO-028 RE: Shoshone Complaint
Witness Unknown

(a) Please admit that the propane system at issue in this Docket was originally constructed by The Montana Power Company at the request of Boyne, USA.

(b) If your response to 028(a) is anything other than an unqualified admission, please state each fact that supports your response.

(c) Please admit the propane system at issue in this Docket was never intended only to “heat the sidewalks” at the Boyne Resort, nor has the system ever been utilized for any such limited purpose.

(d) If your response to 028(c) is anything other than an unqualified admission, please state each fact that supports your response.

(e) If your responses to 028(a) or (c) are anything other than unqualified admissions, please produce all documents, communications, letters, emails, notes, contracts, meeting minutes, or other writings that supports your responses.

RESPONSE

ABACO-029

RE: Shoshone Complaint
Witness Unknown

(a) Please admit the tank farm and distribution lines at issue in this Docket are all located on private property owned by Boyne, USA.

(b) If your response to 029(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 029(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 7th day of January, 2016.

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

By Kimberly Beatty
Kimberly A. Beatty

Attorneys for ABACO Energy Services, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 7th 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
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P.O. Box 202601
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Kristi Staples

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