

Service Date: February 1, 2016

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

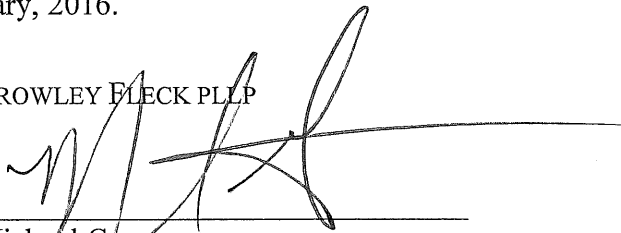
IN THE MATTER OF the Complaint of)
SHOSHONE CONDOMINIUM HOTEL) REGULATORY DIVISION
OWNERS ASSOCIATION)
) DOCKET NO. D2013.9.71
Complainant,)
)
v.)
)
ABACO ENERGY SERVICES, LLC, a)
North Dakota Limited Company,)
)
Defendant.)

**BOYNE USA, INC.'S RESPONSES TO SHOSHONE'S
DATA REQUESTS SCHOA-031 THROUGH SCHOA-035**

Boyne USA, Inc. ("Boyne"), by and through its undersigned counsel, hereby submits to the Montana Public Service Commission ("Commission") these responses to the data requests from Shoshone Condominium Hotel Owners Association ("SCHOA").

Submitted this 1st day of February, 2016.

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ATTORNEYS FOR BOYNE USA, INC.

Admit that SCHOA's funds pay for propane that is delivered by ABACO to the tank farm and from the tank farm to boilers providing heat to Shoshone Condominium Hotel.

- a. If you do not admit this topic please explain in detail why.
- b. Identify the person within Boyne who is most knowledgeable about this topic.

RESPONSE:

- a. Admit in part and deny in part. Boyne admits that, previously and historically, SCHOA paid for a portion of propane delivered to the tank farm, which propane was used, in turn and in part, by boilers to provide heat to the Shoshone Condominium Hotel ("Hotel"). However, Boyne denies that SCHOA paid for all such propane delivered to the tank farm or used by the boilers. Boyne denies that SCHOA's use of propane is limited to use by the boilers.

There is one shared propane meter for the Hotel, Yellowstone Conference, and part of the Huntley Lodge. Historically, there has been a cost sharing agreement between SCHOA and Boyne with respect to billing associated with the shared propane meter. This cost-sharing agreement is reflected in numerous sets of SCHOA meeting minutes and budgets, as produced in response to data request ABACO-026 as Attachment ABACO-026 (Boyne A). As part of the cost-sharing agreement SCHOA made with Boyne, SCHOA agreed to pay approximately 35% of the ABACO propane bill associated with the shared meter serving the Hotel, Yellowstone Conference Center, and parts of the Huntley Lodge. Under the terms of the cost-sharing agreement with SCHOA, Boyne paid the remainder of the ABACO propane bill related to the meter. SCHOA and Boyne followed this cost sharing agreement from at least July 2007 through approximately 2011.

In addition to the boilers, the individual units within the Hotel also have approximately ninety-four (94) propane gas fireplaces that use propane to fuel the fireplaces. Since approximately 2012, SCHOA has stopped paying its agreed upon percentage of the bill associated with the shared propane meter under its cost-sharing agreement with Boyne. Thus, Boyne denies that SCHOA has been paying for its share of propane distributed by ABACO, it denies that SCHOA has been paying its share of the cost of the propane itself, or that it is paying what it agreed to pay under the cost sharing agreement.

Boyne is not able to admit whether ABACO itself delivers propane to the propane tank farm because it does not know whether there may be other entities or persons that deliver propane to the tank farm. However, based on information and belief, Boyne believes that suppliers such as Amerigas may deliver propane to the propane tanks.

- b. Barb Rooney has knowledge regarding the topic of this Request.

Admit that Boyne passes on the costs of propane to SCHOA that Boyne receives from ABACO.

- a. If you do not admit this topic please explain in detail why.
- b. Identify the person within Boyne who is most knowledgeable about this topic.

RESPONSE:

- a. Admit in part and deny in part. Boyne admits that the costs of propane distribution and propane charged by ABACO and other third-parties are directly passed through to SCHOA and Boyne. As explained in response to SCHOA-031, there is one shared propane meter for the Hotel, Yellowstone Conference Center, and part of the Huntley Lodge. Historically, there has been a cost-sharing agreement between SCHOA and Boyne. This cost sharing agreement is reflected in numerous sets of SCHOA meeting minutes, as reflected in Boyne's response to data request ABACO-026. As part of this cost-sharing agreement, SCHOA historically paid approximately 35% of the propane bill associated with the meter referenced in this response. Furthermore, pursuant to the terms of the cost-sharing agreement, Boyne paid the remainder of the propane bill related to the meter. From 2007, when ABACO agreed to provide propane service, through approximately 2011, SCHOA and Boyne followed the cost sharing agreement when paying the ABACO propane bill.

Boyne does not add any charge to the ABACO bill or add any service charge or profit onto the ABACO bill it passes through to SCHOA. Rather, the charge from ABACO for propane delivery service and any charge for propane is allocated between Boyne and SCHOA pursuant to the cost-sharing agreement. However, as explained in response to SCHOA-031, since approximately 2012, SCHOA has stopped paying the full percentage of the ABACO bill associated with the shared meter that it agreed to pay under the cost-sharing agreement. In response, Boyne has paid the unpaid portion of the ABACO propane bill. Thus, Boyne denies that SCHOA is paying its agreed portion of the costs.

- b. Barb Rooney has knowledge regarding the topic of this Request.

SCHOA - 033

Expansion of ABACO Utility Service

Whom is the person, firm or corporation that authored the Big Sky Resort Mountain Village: Overall Development Plan dated November 30, 2015.

RESPONSE: A number of persons, firms, or corporations participated in the preparation of the Overall Development Plan. The following persons, firms, or corporations participated in preparing the plan:

Christine Calabrese
Gaston Engineering
TREC, Inc.
Sanderson Stewart
Brent Brock
Headwaters
ESCI
Boyne USA, Inc.
Lone Mountain Land Company

Please produce all documents comprising Appendix VI E to the Big Sky Resort Mountain Village: Overall Development Plan dated November 30, 2015.

- a. Please identify the person within Boyne most knowledgeable about the contents of this plan.

RESPONSE: A compact disc containing an electronic copy of the Overall Development Plan, including Appendix VI-E, is attached and labeled as Attachment SCHOA-034 (Boyne-A). Based on information and belief, Boyne believes that members of the SCHOA board already have received or reviewed a full copy of the Overall Development Plan, including Appendix VI-E.

- a. Brian Wheeler has knowledge of the contents of this plan.

Attachment

Response No. SCHOA – 034

Attachment SCHOA – 034 (Boyne A)



SCHOA - 035 ABACO Billing

Please admit the attached ABACO bills are true and correct copies of bills sent by ABACO for propane delivered to the Shoshone Condominium Hotel.

RESPONSE: Boyne admits that the copies attached are true and correct copies of bills ABACO prepared regarding propane distributed by ABACO. Based on information and belief, Boyne believes that it produced the attached documents to SCHOA. However, the bills cover the time period of part of July 2009 to part of June 2011. Additionally, the bills only reflect propane to the Shoshone shared meter, and not just the propane used by SCHOA or the Shoshone Condominium Hotel building.

Attachment

Response No. SCHOA – 034

Attachment SCHOA – 034 (Boyne A)