

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

PRE-HEARING MEMORANDUM OF ABACO ENERGY SERVICES

Pursuant to the Montana Public Service Commission's ("Commission") Procedural Order entered in this Docket, ABACO Energy Services ("ABACO") submits its Pre-Hearing Memorandum in this case.

STATEMENT OF ISSUES

The issues in this Docket are the following:

1. Whether Shoshone has a customer relationship with ABACO?
2. Whether ABACO holds its system open to the public?

3. Whether ABACO's system is a private system, closed to the public?
4. Whether ABACO is a public utility such that its rates and charges are subject to this Commission's regulatory jurisdiction?

WITNESSES

1. ABACO will present direct pre-filed testimony, affidavit testimony, and rebuttal testimony of its witnesses:
 - a. Jeff Jonson
 - b. Stacy Tschider
 - c. Su-Lin Tschider
 - d. Kevin Shuttlesworth
2. ABACO anticipates cross examination of each of Shoshone's witnesses:
 - a. Murray Morgan
 - b. Robert Orsello
 - c. Diane Bartzick
 - d. Matthew Paine
3. ABACO anticipates testimony/cross examination/rebuttal testimony of the following Boyne witnesses:
 - a. Barbara Rooney

While Boyne did not offer any direct pre-filed testimony, they did voluntarily intervene in these proceedings and offered responses to data requests. Counsel for ABACO is informed by counsel for Boyne, and therefore, believes and expects that, Ms. Rooney will be present at the hearing to testify as needed and if called by any party, the Commission Staff, or the Commissioners.

4. While the MCC is an Intervenor in this matter, the MCC has not participated in this proceeding, did not ask or answer data requests, and did not submit testimony.

Because this Docket was initiated by the filing of a Complaint by Shoshone, ABACO believes Shoshone has the initial burden of proof in this proceeding and therefore, its witnesses will be presented first. ABACO would then be entitled to present its witnesses' pre-filed direct, affidavit, and rebuttal testimony, and would have an opportunity to examine Barbara Rooney from Boyne, prior to Shoshone submitted its rebuttal testimony. Shoshone did not file pre-filed rebuttal testimony in this matter and therefore any rebuttal testimony offered by Shoshone should be limited in scope to information presented by ABACO that does not fall within ABACO's pre-filed direct or affidavit testimony.

EXHIBITS

Documents anticipated to be introduced by or used during the hearing by ABACO include:

1. The Direct Pre-Filed Written Testimony of its Witnesses, with any Exhibits and/or corrections thereto.
2. The two affidavits of Stacy Tschider dated November 11, 2013 and March 11, 2015.
3. Any responses to a data requests or documents produced in response to any data requests in this Docket; provided, however, ABACO reserves the right to object to the introduction of any data requests at the hearing.

4. Any exhibit introduced by the other Parties to this Docket or by the Commission or its Staff; provided, however, ABACO reserves the right to object to any Exhibit sought to be introduced at the hearing.

PENDING MOTIONS

There are no pending motions which need to be addressed prior to the hearing.

SPECIAL NEEDS

ABACO has not identified any special needs at this time. However, ABACO believes the order of case presentation and scope of such presentation should be as outlined in the last paragraph of its "Witnesses" section above, and that Boyne will make Ms. Rooney available for testimony as noted in section 3 of its "Witnesses" section above.

DATED this 22nd day of June, 2016.

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

By



Kimberly A. Beatty
Christy S. McCann

Attorneys for ABACO Energy Services, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of June, 2016, a true and correct copy of the foregoing was this day served as follows:

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