

Service Date: September 4, 2014

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
Corporation,)	
)	
Complainant,)	
)	
v.)	
)	
ABACO ENERGY SERVICES, LLC)	
a North Dakota Limited Company,)	
)	
Defendant.)	
)	

NOTICE OF COMMISSION ACTION

On September 30, 2013, the Shoshone Condominium Hotel Owner’s Association (Shoshone) filed a Complaint against Abaco Energy Service, LLC (Abaco). On November 12, 2013, Abaco filed a Motion and Brief in Support of Motion to Dismiss. On December 16, 2013, Shoshone filed a Brief in Opposition to Respondent’s Motion to Dismiss. On January 10, 2014, Abaco filed a Reply Brief on the Motion to Dismiss and requested an oral argument. An oral argument was held before the Montana Public Service Commission (Commission) on April 22, 2014.

At the conclusion of the oral argument, counsel for Abaco requested that the Commission take judicial notice of a complaint filed by Shoshone against Boyne USA in the Montana Eighteenth Judicial District Court in Gallatin County, Montana. Shoshone objected to the Commission taking judicial notice of the existence of the district court complaint. The Commission directed the parties to brief this issue.

On April 28, 2014, Abaco filed its Request to Take Judicial Notice. On May 12, 2014, Shoshone filed Petitioner’s Brief in Opposition to Respondent’s Request to Take Judicial Notice.

On August 27, 2014, the Commission voted to grant Abaco's request and took judicial notice of the original complaint Shoshone filed against Boyne USA in the Montana Eighteenth Judicial District Court. The Commission's taking of judicial notice is predicated upon the Montana Rules of Evidence, specifically Rules 201 and 202.

BY THE MONTANA PUBLIC SERVICE COMMISSION

W. A. (BILL) GALLAGHER, Chairman
BOB LAKE, Vice Chairman
KIRK BUSHMAN, Commissioner
TRAVIS KAVULLA, Commissioner
ROGER KOOPMAN, Commissioner