

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

NOTICE OF COMMISSION ACTION

On September 30, 2013, Shoshone Condominium Hotel Owner’s Association (“Shoshone”) filed a Complaint asking the Montana Public Service Commission (“Commission”) to take jurisdiction over the propane delivery system at the Big Sky Ski Resort owned by ABACO Energy Services, L.L.C. (“ABACO”).

On December 22, 2016, the Commission issued Final Order 7393c, which required ABACO to “file with the Commission information sufficient to meet the minimum rate case filing standards by April 28, 2017.” Final Order 7393c ¶ 76 (Dec. 22, 2016).

On April 26, 2017, ABACO filed Motion for Extension of Time to provide this information to the Commission. ABACO requested a deadline of September 30, 2017. On May 8, 2017, the Commission granted ABACO’s Motion at a regulatory scheduled work session.

On October 2, 2017, ABACO filed a second Motion for Extension of Time to file the information required in ¶ 76 of Final Order 7393c. ABACO requested December 31, 2017 as the deadline for this information. On October 17, 2017, the Commission held a work session to grant ABACO’s Second Motion for Extension. On November 16, 2017, the Commission issued Order 7393d stating that ABACO’s failure to adhere to the deadline would “result in an immediate application of fines under Mont. Code Ann. §§ 69-3-209 and -206.” Order 7392d ¶ 7 (Nov. 16,

2017). ABACO has failed to adhere to the January 2, 2018 deadline. As a result, the Commission filed a Complaint in the Montana Fifth Judicial District Court to recover civil penalties against ABACO on January 16, 2018. *See* Mont. Pub. Serv. Comm'n Complaint for Recovery of Civil Penalties for Violation of Commission Orders (Mont. Fifth Jud. Dist. Ct. Jan 16, 2018) [hereinafter, "*Complaint*"].

On January 25, 2018, ABACO filed a Status Report to the Commission and Joint Request of the Parties for Additional Time. ABACO requested until March 15, 2018, "to file any rate case should the parties be unable to agree on negotiated rates and terms of service." ABACO Status Report and Joint Request for Additional Time 2 (Jan. 25, 2018). On February 2, 2018, the Commission held an out-of-cycle work session to discuss and act on ABACO's request. ABACO's request is DENIED in its entirety. The Commission maintains its entire request contained within its Complaint with the Montana Fifth Judicial District Court to:

[I]mpose on ABACO a civil penalty of \$1,000 per day per violation, for both Counts I & II, from January 3, 2018 until ABACO provides the information required in ¶ 76 of Final Order 7393c with the Commission, in order to complete the rate making procedure contemplated in Order 7393c and in fulfillment of the Commission's full power of supervision, regulation, and control of public utilities.

Complaint, ¶ 45.

DONE AND DATED this 5th day of February, 2018, by a vote of 5-0.

BY THE MONTANA PUBLIC SERVICE COMMISSION

BRAD JOHNSON, Chairman
TRAVIS KAVULLA, Vice Chairman
ROGER KOOPMAN, Commissioner
BOB LAKE, Commissioner
TONY O'DONNELL, Commissioner