

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

IN THE MATTER OF NorthWestern
Energy's Petition for a Waiver from
Compliance with the Community Renewable
Energy Project Purchase Obligation for
Calendar Year 2016

REGULATORY DIVISION

Docket No. D2017.8.65

IN THE MATTER OF NorthWestern
Energy's Consolidated Petition for a Waiver
from Compliance with the Community
Renewable Energy Project Purchase
Obligation for Calendar Year 2015 and for a
Declaratory Ruling regarding the
Administrative Penalty contained in Mont.
Code Ann. § 69-3-2004(10)

Docket No. D2016.4.33

**PETITION FOR GENERAL INTERVENTION BY
MONTANA ENVIRONMENTAL INFORMATION CENTER AND NW ENERGY
COALITION**

Pursuant to ARM 38.2.2401 and 38.2.2403, Montana Environmental Information Center and NW Energy Coalition hereby petition for general intervention in these consolidated proceedings pertaining to NorthWestern Energy's petitions for waivers from compliance with the Community Renewable Energy Project ("CREP") purchase obligation for calendar years 2015 and 2016. On October 25, 2017, the Commission issued a Notice of Petition and Intervention Deadline, establishing a deadline of November 17, 2017, for petitions to intervene in this matter. As described below, general intervention should be granted because the petitioners have direct and substantial interests in this proceeding and will not broaden the issues beyond those raised by NorthWestern Energy's petition and applicable state law.

I. PETITIONERS

Petitioner Montana Environmental Information Center (“MEIC”) is a non-profit environmental advocate founded in 1973 by Montanans concerned with protecting and restoring Montana’s natural environment. MEIC plays an active role in promoting Montana clean energy projects and policies, including advocating for the expansion of responsible, renewable energy and energy efficiency; and supporting policies that insulate energy consumers from fuel price risk. At the state level, MEIC leads the effort to pass policies that help expand clean, affordable, reliable and efficient energy solutions for Montana. MEIC’s offices are at 107 W. Lawrence St. #N-6, Helena, MT 59601. MEIC’s mailing address is P.O. Box 1184, Helena, MT 59624.

Petitioner NW Energy Coalition (“Coalition”) is a non-profit whose primary purpose is to promote an energy future that is clean, reliable, affordable, and equitable. The Coalition has around 100 member organizations—including environmental, civic, and human service organizations, unions, utilities, and businesses—as well as individual members throughout Oregon, Washington, Idaho, Montana, and British Columbia. The Coalition has ten Montana-based organizational members, including organizations that promote clean energy, advance sustainable solutions to reduce poverty, and help Montanans obtain low-income energy assistance. Among the Coalition’s chief strategic priorities is to grow programs that make energy services affordable and equitable for all customers through advocacy in utility and regulatory proceedings. The Coalition’s offices are at 811 First Avenue, Suite 305, Seattle, WA 98104.

II. PETITIONERS’ INTEREST, POSITION, AND RELIEF SOUGHT

MEIC, NW Energy Coalition, and their members and supporters have direct and substantial interests in this proceeding in advancing local economic, price stability, and

environmental benefits of renewable energy generation, and in assuring appropriate funding of Montana's low-income energy assistance program.

In adopting the "Montana Renewable Power Production and Rural Economic Development Act," the Montana legislature recognized that "renewable energy production promotes sustainable rural economic development by creating new jobs and stimulating business and economic activity in local communities across Montana," and further, that "fuel diversity, economic, and environmental benefits from renewable energy production accrue to the public at large, and therefore all consumers and utilities should support expanded development of these resources to meet the state's electricity demand and stabilize electricity prices." Mont. Code Ann. § 69-3-2002(2), (4). To meet these goals, public utilities in Montana, including NorthWestern Energy, are required to purchase electrical energy from eligible renewable resources. Id. § 69-3-2004(2)–(4). Unless the utility demonstrates that it took "all reasonable steps" to meet its purchase obligation, the Commission must require any utility failing to do so to pay an administrative penalty, to be deposited in the universal low-income energy assistance fund. Id. § 69-3-2004(10), (11).

NorthWestern Energy's failure to purchase CREP generating capacity thwarts the local economic development, price stability, and environmental benefits that the purchase obligation was designed to promote. Further, NorthWestern Energy's requests for compliance waivers, if granted, would deprive low-income Montanans of program funding that could otherwise assist them in paying their winter energy bills.

Accordingly, NorthWestern Energy's requests for waivers from its 2015 and 2016 CREP purchase obligations directly implicate the substantial interests of MEIC, NW Energy Coalition, and their respective members and supporters. See ARM 38.2.2403 (petitioners for general

intervention must identify their “direct and substantial interest . . . in the proceeding).

Specifically, if granted, NorthWestern Energy’s requests undermine the organizations’ goals of expanding clean, renewable energy development and ensuring that electricity is affordable for all Montanans. Additionally, NW Energy Coalition has Montana-based member organizations specifically focused on ensuring that low-income Montanans can pay their energy bills and promoting sustainable economic development. NorthWestern Energy’s waiver request, if granted, may impact the work of these organizations by precluding administrative penalty payments to the low-income energy assistance program and diminishing local economic development opportunities.

Further, MEIC’s individual members may be directly impacted by this proceeding. MEIC has members and supporters who are residential electric customers in NorthWestern Energy’s service territory. NorthWestern’s failure to meet its CREP purchase obligations harms these customers by defeating the program’s intended benefits of expanded fuel diversity and the price stability such diversity brings. MEIC also has members and supporters in rural areas of Montana that are being deprived of the jobs, tax revenue, and economic activity that CREP development would otherwise generate. And MEIC has members and supporters that may qualify for Montana’s low-income energy assistance program and would benefit from NorthWestern Energy’s payment of administrative penalties into that program.

In this proceeding, MEIC and NW Energy Coalition will represent their organizational interests and the interests of their members and supporters by ensuring that NorthWestern Energy is satisfying its obligation to take “all reasonable steps” to meet its CREP purchase obligations. MEIC and NW Energy Coalition will review NorthWestern Energy’s actions and,

as appropriate based on that review, advocate to the Commission for proper implementation of the Montana Renewable Power Production and Rural Economic Development Act.

Granting of this petition for general intervention will not broaden the issues in the proceeding, as MEIC and NW Energy Coalition intend to limit their testimony and briefing to the issues of whether NorthWestern Energy's requests for waivers from its 2015 and 2016 CREP purchase obligation should be granted, consistent with applicable state law.

Respectfully submitted on this 16th day of November, 2017,



Jenny K. Harbine
Aurora R. Janke
Earthjustice
313 East Main St.
Bozeman, MT 59715
(406) 586-9699
Fax: (406) 586-9695
jharbine@earthjustice.org
ajanke@earthjustice.org

*On behalf of Petitioners Montana Environmental
Information Center and NW Energy Coalition*

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2017, I served the foregoing Petition for General Intervention by Montana Environmental Information Center and NW Energy Coalition by first-class mail, postage prepaid, on the following:

John Alke
Sarah Norcott
NorthWestern Energy
208 N. Montana, Suite 205
Helena, MT 59601
john.alke@northwestern.com
al.brogan@northwestern.com

Tracy Killoy
NorthWestern Energy
208 N. Montana, Suite 205
Helena, MT 59601
tracy.killoy@northwestern.com

Joe Schwartzenberger
NorthWestern Energy
40 East Broadway
Butte, MT 59701
joe.schwartzenberger@northwestern.com

Jason Brown
Montana Consumer Council
111 North Last Chance Gulch, Suite 1B
P.O. Box 201703
Helena, MT 59620-1703


Cindy Napoli