

Service Date: March 7, 2018

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

**DATA REQUESTS MEIC-010 TO MEIC-013
OF MONTANA ENVIRONMENTAL INFORMATION CENTER
AND NW ENERGY COALITION**

Montana Environmental Information Center ("MEIC") and NW Energy Coalition, by and through their legal counsel, hereby submit their data requests 010 to 013 to NorthWestern Energy. Within the deadline to respond to discovery outlined in the Procedural Order or pursuant to any other agreement between the parties, please forward responses to the data requests below to the undersigned counsel.

GENERAL INSTRUCTIONS

- 1) **Definitions:** For the purposes of these data requests, the following definitions shall apply:
 - a) The terms "NorthWestern Energy" and "NWE" mean NorthWestern Energy, its parent company or companies, and any and all affiliates and/or subsidiaries, successors, predecessors, agents, consultants, and witnesses in this proceeding, and any and all of their affiliates, subsidiaries, or predecessors.
 - b) The term "Company" means and includes NorthWestern Energy, its parent company or companies and any and all affiliates and/or subsidiaries, successors,

predecessors, agents, consultants, and witnesses in this proceeding, and any and all of their affiliates, subsidiaries, or predecessors.

- c) “Document” means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, minutes of directors or committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer’s notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate “document.”
- d) “And” or “or” shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
- e) The terms “you” and “your” refer to “NorthWestern Energy.”
- f) The term “person” means any natural person, corporation, corporate division, partnership, limited liability company, other unincorporated association, trust, government agency, or entity.
- g) The term “regarding” means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.
- h) The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.
- i) “Identify” or “identifying” or “identification” when used in reference to a person that is a natural person means to state: the full name of the person and any names under which he conducts business; the current employer of the person, the person’s job title and classification, the present or last known work address of the person; and, the present or last known telephone number of the person.
- j) “Identify” or “identifying” or “identification” when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is

sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- (a) the type of document (e.g., letter, memorandum, etc.);
 - (b) the date of the document;
 - (c) the title or label of the document;
 - (d) the Bates stamp number or other identifier used to number the document for use in litigation;
 - (e) the identity of the originator;
 - (f) the identity of each person to whom it was sent;
 - (g) the identity of each person to whom a copy or copies were sent;
 - (h) a summary of the contents of the document;
 - (i) the name and last known address of each person who presently has possession, custody or control of the document; and,
 - (j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.
- k) “Identify” or “identifying” or “identification” when used in reference to communications means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, identify the document(s) containing or referring to the communication.
- l) “Current” when used in reference to time means in the present time of this data request.
- m) “Workpapers” are defined as original, electronic, machine-readable, unlocked, Excel format (where possible) with formulas in-tact.
- n) “Communication” means any and all written correspondence, voice messages, emails, text messages, notes of oral conversations, meeting minutes, reports, studies, agreements, and any other record of oral or written communications, including any and all drafts of any communications. If a communication has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by

the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate “communication.”

2) OTHER INSTRUCTIONS

- a) Please provide responses within the deadline to respond to discovery outlined in the Procedural Order governing this proceeding.
- b) Responses are to be provided in electronic format (e.g., text documents should be in the original word processor file format or PDF, data files should be in Excel).
- c) If you contend that any response to any data request may be withheld under the attorney-client privilege, the attorney work-product doctrine, or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
 - (a) The privilege asserted and its basis;
 - (b) The nature of the information withheld; and,
 - (c) The subject matter of the document, except to the extent that you claim it is privileged.
- d) For any document or set of documents that NorthWestern Energy objects to providing on the grounds it is burdensome or voluminous, please identify the specific document.
- e) These data requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These data requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.
- f) If any data request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
- g) These data requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these data requests subsequently become known.
- h) For each response, identify all persons (see instruction 1(j)) that were involved in the preparation of the answers to the interrogatories below and/or are responsible for compiling and providing the information contained in each answer.
- i) Identify which witness(es) at the hearing(s) is competent to adopt and/or discuss the response.

- j) Please produce the requested documents in electronic format to the following individuals:
- Jenny Harbine
Aurora Janke
Earthjustice
313 E. Main St.
Bozeman, MT 59715
jharbine@earthjustice.org
ajanke@earthjustice.org
- k) Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to MEIC and NW Energy Coalition, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).
- l) In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.
- m) MEIC and NW Energy Coalition reserve the right to serve supplemental, revised, or additional data requests as permitted in this proceeding.

**DATA REQUEST MEIC-010
OF MEIC AND NW ENERGY COALITION**

MEIC-010

Witness: LaFave

Subject: Rebuttal Testimony

Regarding Mr. LaFave's testimony at BJJ-5, line 10 through BJJ-6, line 10, please provide any and all communications and other documents related to negotiations between NorthWestern Energy and each of the project finalists for the 2014 CREP RFP: Greycliff, Tiger Butte, Judith Gap II, and New Colony.

**DATA REQUEST MEIC-011
OF MEIC AND NW ENERGY COALITION**

MEIC-011

Witness: LaFave

Subject: Rebuttal Testimony

Regarding Mr. LaFave's testimony at B JL-6, lines 12-22, please:

- (a) identify any and all project proposals submitted in response to the 2014 CREP RFP that were projected to be commercially operational after 2015 and that NorthWestern considered during the 2014 CREP RFP process;
- (b) as to each project identified in response to (a), explain what steps NorthWestern took in considering such project; and
- (c) as to each project identified in response to (a), explain the reason or reasons why such project was rejected.

**DATA REQUEST MEIC-012
OF MEIC AND NW ENERGY COALITION**

MEIC-012

Witness: LaFave

Subject: Rebuttal Testimony

Regarding Mr. LaFave's testimony at BJJ-7, lines 1-13, please:

- (a) identify any and all build-transfer proposals for which NorthWestern has sought or required pre-approval from the Commission;
- (b) identify any and all build-transfer proposals that NorthWestern has not pursued based on NorthWestern's requirement that the Commission pre-approve any build-transfer proposal;
- (c) identify any and all resources that NorthWestern has acquired since January 1, 2012 for which NorthWestern has required pre-approval, regardless of resource type; and
- (d) define "reasonable risk" as used at BJJ-7, line 7.

**DATA REQUEST MEIC-013
OF MEIC AND NW ENERGY COALITION**

MEIC-013

Witness: LaFave

Subject: Rebuttal Testimony

Regarding Mr. LaFave's testimony at BJL-9, lines 6-13, please identify any impediments to or restrictions on NorthWestern's ability to initiate discussions concerning the purchase of an existing resource to satisfy NorthWestern's CREP resource.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of March, 2018, I served the foregoing by first-class mail, postage prepaid, on the following:

Justin Kraske
Chief Counsel/Administrator
Public Service Commission
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(By Federal Express)

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Aurora Janke