

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

IN THE MATTER OF NorthWestern Energy's  
Application for Interim and Final Approval of  
Revised Tariff No. QF-1, Qualifying Facility  
Power Purchase

REGULATORY DIVISION

Docket No. D2016.5.39

**PETITION FOR GENERAL INTERVENTION BY  
VOTE SOLAR AND MONTANA ENVIRONMENTAL INFORMATION CENTER**

Pursuant to ARM 38.2.2401 and 38.2.2403, Vote Solar and Montana Environmental Information Center ("MEIC") hereby petition for general intervention in this proceeding pertaining to NorthWestern Energy's application to decrease standard rates for purchases from Qualifying Facilities ("QFs") with a nameplate capacity of three megawatts or less. On May 13, 2016, the Commission issued a Notice of Application and Intervention Deadline, establishing a deadline of June 10, 2016, for petitions to intervene in this matter. As described below, general intervention should be granted because the petitioners have a direct and substantial interest in this proceeding and will not broaden the issues beyond those raised by the application and applicable state and federal law.

**I. PETITIONERS**

Petitioner Vote Solar is a non-profit grassroots organization working to foster economic opportunity, promote energy independence, and fight climate change by making solar a mainstream energy resource across the United States. Vote Solar engages at the state, local, and federal levels to remove regulatory barriers and implement the key policies needed to bring solar to scale. Established in 2002, Vote Solar has more than 70,000 members throughout the United

States, including members and supporters in NorthWestern Energy's Montana service territory. Vote Solar's offices are at 360 22nd Street, Suite 730, Oakland, CA 94612.

Petitioner Montana Environmental Information Center 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.

## **II. PETITIONERS' INTEREST, POSITION, AND RELIEF SOUGHT**


Vote Solar, MEIC, and their members and supporters who are residential electric customers in NorthWestern Energy's service territory have a direct and substantial interest in this proceeding because the proposed rate decrease for QFs may impact their electricity rates and may diminish opportunities for expanding their use of clean energy, such as wind and solar power. ARM 38.2.2403 (petitioners for general intervention must identify their "direct and substantial interest ... in the proceeding). In this proceeding, Vote Solar and MEIC will represent their organizational interests and the interests of their members in NorthWestern's service territory in supporting the development and availability of renewable power, and particularly solar power, in Montana. NorthWestern's application to decrease the rates it pays to QFs directly affects these interests. Specifically, if granted, the rate decrease may affect opportunities for future renewable energy development in Montana and the availability of renewable power for use by NorthWestern's Montana customers.

Vote Solar and MEIC intend to present expert testimony in this proceeding with respect to NorthWestern Energy's computation of "avoided costs," and correspondingly, its proposed rate payments to QFs. Prior to expert review of the evidentiary record upon which NorthWestern bases its application, Vote Solar and MEIC cannot state their formal position in this proceeding. However, Vote Solar and MEIC are prepared to evaluate and present testimony regarding the consistency of NorthWestern's calculation of "avoided costs" and QF rates with the Public Utility Regulatory Policies Act of 1978 ("PURPA"), 16 U.S.C. § 824a-3, Montana's "Mini-PURPA," MCA § 69-3-601-04 and Commission rules implementing the federal and state statutes, ARM 38.5.1901-08. In addition, Vote Solar and MEIC will evaluate whether NorthWestern's proposed rates would yield discriminatory treatment of QFs compared with the rates and treatment afforded by NorthWestern to its own resources.

If the petitioners' review demonstrates that NorthWestern's calculation of avoided costs is improper and/or that the proposed rate decrease would violate applicable federal and state law, the petitioners will request that the Commission deny NorthWestern's application. Further, the petitioners will argue that NorthWestern's application for interim relief is improper and NorthWestern's proposed rate decrease for QFs should not take effect, if at all, until the parties have developed and the Commission has considered the full evidentiary record.

Granting of this petition for general intervention will not broaden the issues in the proceeding, as Vote Solar and MEIC intend to limit their testimony and briefing to the questions of whether NorthWestern Energy's proposed rate decrease is consistent with applicable state and federal laws and policies.

Respectfully submitted on this 6th day of June, 2016,



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*On behalf of Petitioners Vote Solar and  
Montana Environmental Information Center*

## CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of June, 2016, I served the foregoing Petition for General Intervention by Vote Solar and Montana Environmental Information Center and Sierra Club by first-class mail, postage prepaid, on the following:

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