

Service Date: September 23, 2016

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

IN THE MATTER OF NorthWestern Energy's ) REGULATORY DIVISION  
Application for Interim and Final Approval of )  
Revised Tariff No. QF-1, Qualifying Facility ) DOCKET NO. D2016.5.39  
Power Purchase )

**NOTICE OF COMMISSION ACTION**

On May 3, 2016, NorthWestern Corporation, doing business as NorthWestern Energy (NorthWestern or NWE) filed an *Application for Approval of Avoided Cost Tariff Schedule QF-1* (Application) with the Montana Public Service Commission (Commission). On May 13, 2016, the Commission issued a *Notice of Application and Intervention Deadline* setting June 10, 2016, as the deadline for intervention. On June 17, 2016, the Commission issued a *Notice of Staff Action Granting Intervention* to New Colony Wind, LLC, Vote Solar and the Montana Environmental Information Center, FLS Energy Inc., Cypress Creek Renewables, LLC, and the Montana Consumer Counsel.

On August 22, 2016, Pacific Northwest Solar, LLC (PNW) filed a *Request for Late Intervention* (Request). In its Request, PNW stated:

The Commission asked that all interested parties intervene in the docket by June 10, 2016; however, at that time it was PNW's understanding that it would not need to play a role in the underlying docket inasmuch as NorthWestern. . . . conceded to the Commission that PNW had already established a legally enforceable obligation as to its twenty-one (21) power purchase agreements ("PPAs") . . . . After the Commission issued its Order on NWE's Emergency Motion, it became clear that PNW should be a part of the docket as it is directly affected by the Commission's Orders thereon and could lend a valuable voice to the Commission in these proceedings. . . . Furthermore, ARM 38.2.2403 permits late intervention where good cause is shown. PNW has demonstrated good cause to allow a late intervention as there will be no change to the procedural status of the matter, no prejudice to any party already having intervened, and the inclusion of a key player in the underlying disputes will be beneficial to the Commission.

Req. for Late Intervention 1 (Aug. 22, 2016). According to the Commission's rules governing intervention, any person who desires to "appear and participate" and "does not desire to broaden the issues of the original proceeding" may file a petition for general intervention setting forth:

[A] clear and concise statement of the direct and substantial interest of the petitioner in the proceeding; his position in regard to the matter in controversy; and a statement of the relief desired.

Admin. R. Mont. 38.2.2403 (2016). The Commission may grant such a petition if it "discloses a substantial interest in the subject matter of the hearing, that participation of the petitioner will be in the public interest, or that the granting of the petition would not unduly broaden the issues in the proceeding." *Id.* at 38.2.2405.

The Commission finds that good cause exists for PNW to intervene and hereby grants intervention to PNW. PNW is hereby represented by the following attorneys in this matter:

Ryan N. Meyer  
ElGuindy, Meyer & Koegel, LLP  
2990 Lava Ridge Court, Suite 205  
Roseville, CA 95661  
[ryan.meyer@pacificnorthwestsolar.net](mailto:ryan.meyer@pacificnorthwestsolar.net)

Ryan R. Shaffer  
MEYER, SHAFFER & STEPANS, PLLP  
305 S. Fourth St. East, Suite 101  
Missoula, MT 59801  
[ryan@mss-lawfirm.com](mailto:ryan@mss-lawfirm.com)

BY THE MONTANA PUBLIC SERVICE COMMISSION

BRAD JOHNSON, Chairman  
TRAVIS KAVULLA, Vice Chairman  
KIRK BUSHMAN, Commissioner  
ROGER KOOPMAN, Commissioner  
BOB LAKE, Commissioner