

Service Date: December 30, 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 STAFF 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 September 2, 2016, the Commission issued Procedural Order 7500a setting deadlines for discovery.

Procedural Order 7500a listed December 21, 2016 as the deadline “for data requests to NorthWestern and intervenors related to rebuttal and cross-intervenor response testimony” and January 11, 2017 as the deadline for “NorthWestern and intervenors to respond to data requests related to rebuttal and cross-intervenor response testimony.” Procedural Order 7500a, ¶ 5(h) and (i) (Sept. 2, 2016). Procedural Order 7500a also included the “rolling discovery” rule that “[p]arties must respond to data requests within fourteen (14) calendar days of the service date of the data request or by the deadline to respond, whichever is earlier.” *Id.* ¶ 9.

Under the rolling discovery rule, these data responses would be due Wednesday, January 4, 2017. The Commission amends Procedural Order 7500a to clarify that the rolling discovery rule does not apply to the deadline for “NorthWestern and intervenors to respond to data requests related to rebuttal and cross-intervenor response testimony.” Procedural Order 7500a ¶ 5(i).

Instead, these data responses are due Wednesday, January 11, 2017, consistent with the schedule provided in Paragraph 5 of Procedural Order 7500a.

DONE AND DATED this 28th day of December, 2016, by delegation to Commission staff as an Order of the Commission.

BY THE MONTANA PUBLIC SERVICE COMMISSION

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