

ANN B. HILL  
NorthWestern Energy  
208 N. Montana, Suite 205  
Helena, Montana 59601  
Tel. (406) 444-8110  
ann.hill@northwestern.com

AL BROGAN  
NorthWestern Energy  
208 N. Montana, Suite 205  
Helena, Montana 59601  
Tel. (406) 443-8903  
al.brogan@northwestern.com

Attorneys for NorthWestern Energy

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

IN THE MATTER OF the Montana Public Service ) REGULATORY DIVISION  
Commission's Review of Rates to Recover )  
NorthWestern Energy's Electricity Supply Costs ) DOCKET NO. 2017.5.39

---

NorthWestern Energy's Opposition to WINData, LLC's  
Request for Stay

---

NorthWestern Corporation d/b/a NorthWestern Energy ("NorthWestern") responds to WINData, LLC counsel's ("WINData") request to stay this docket in order to provide Mr. Wilde's estate time to determine next steps relating to this matter. For the reasons set forth below, NorthWestern must oppose the motion.

First, the Montana Public Service Commission ("Commission") should limit adjustments to the current procedural schedule to accommodate parties that have a direct interest in this docket. Mr. Wilde's estate has no such interest in this docket that merits a delay to the established schedule. This proceeding is an administrative regulatory proceeding based on NorthWestern's application, the outcome of which will impact NorthWestern and its customers.

Second, WINData's interest in this docket is indirect, at best, as indicated by its lack of activity in this case. WINData did not issue any discovery on NorthWestern's initial testimony and has given no indication of an interest in filing testimony. Instead, WINData and Mr. Wilde pursued their direct interests regarding rates paid to Qualifying Facilities in a state court proceeding.<sup>1</sup> In this docket, the Commission and NorthWestern worked diligently for four months, from May to September 2017, to establish a process for implementing a new cost recovery mechanism for NorthWestern. Now that a procedural schedule is in place, the Commission should not insert further delays for WINData, especially when Mr. Wilde's estate's interests can be pursued in an alternative forum, the state district court.

A resolution of this case prior to July 1, 2018 is important to NorthWestern. NorthWestern's annual tracker cycle begins on July 1 of each year, and this case will result in significant changes to the tracker mechanism that NorthWestern has had in place since 2002. Also, NorthWestern has committed to filing a general rate case in September 2018, and an overlap of this case with preparation for and processing of the general rate case will place additional demands not only on NorthWestern, but on the Montana Consumer Counsel ("MCC") and the Commission as well.

Additionally, as the Commission is aware, developing a procedural schedule that accommodated the needs of all parties was a difficult task. The MCC acknowledged this difficulty when it recently requested an accommodation for its testifying witness. The Commission was able to accommodate the MCC while maintaining the time allowed for discovery and the March hearing date. The Commission should continue to limit accommodations to those that do not disrupt the March 2018 hearing date.

---

<sup>1</sup> Montana Eighth Judicial District Court, Cascade County. Cause No. CDV-17-0662.

Finally, it may be possible to accommodate WINData while maintaining the current procedural schedule. WINData has not indicated to the Commission whether it intends to participate in discovery and file testimony or whether it simply wishes to participate in the hearing and post-hearing briefing. If the latter, WINData can participate in this docket to the extent it desires with no changes to the schedule.

Due to the impact of this docket on NorthWestern and its customers, the Commission should not grant WINData's request for a stay.

Respectfully submitted this 22nd day of November 2017.

NORTHWESTERN ENERGY

By: Ann B. Hill  
Ann B. Hill  
Attorney for NorthWestern Energy

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of NorthWestern Energy's Opposition to WINData, LLC's Request for Stay in Docket No. D2017.5.39 has been hand delivered to the Montana Public Service Commission and the Montana Consumer Counsel this date. It has also been e-filed with the Montana Public Service Commission, emailed to counsel of record, and served upon the remainder of the service list by postage prepaid via first class mail as follows:

Date: November 22, 2017

  
\_\_\_\_\_  
Connie Moran  
Administrative Assistant  
Regulatory Affairs

Will Rosquist  
MT Public Service Commission  
Box 202601  
Helena MT 59620-2601

Chuck Magraw  
501 8<sup>th</sup> Ave.  
Helena MT 59601

Robert Nelson  
Jason Brown  
Montana Consumer Counsel  
P.O. Box 201703  
Helena MT 59620-1703

Tracy Lowney Killoy  
NorthWestern Energy  
11 E. Park  
Butte MT 59701

Monica Tranel  
Tranel Law Firm  
202 W. Spruce St.  
Missoula MT 59802

Ann Hill  
NorthWestern Energy  
208 N. Montana, Suite 205  
Helena MT 59601

Al Brogan  
NorthWestern Energy  
208 N. Montana, Suite 205  
Helena MT 59601

Joe Schwartzenberger  
NorthWestern Energy  
11 E. Park  
Butte MT 59701