

Service Date: September 13, 2001

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

* * * * *

In the Matter of the Application of)	UTILITY DIVISION
Northwestern Generation I, LLC for)	DOCKET NO. D2001.9.123
Comment and Findings on a Power Purchase. and)	
Sales Agreement with Montana Power Company)	ORDER NO. 6371

PROTECTIVE ORDER

On September 6, 2001 Northwestern Generation I, LCC (NGI) filed for a protective order in this docket “to limit access to or use of certain proprietary and confidential information that NGI expects to file with its Application for Comments and Findings regarding a certain Power Purchase and Sales Agreement (the ‘Agreement’) between NGI and Montana Power Company (‘MPC’).” Motion for Protective Order. NGI seeks protection for pricing provisions of the Agreement and argues that as MPC continues to develop its default supply portfolio “protection of pricing information will encourage other suppliers to come forward with their most favorable pricing as that process continues.” Id.

The Montana Public Service Commission (Commission) determines that the identified information could be confidential and subject to protection from public disclosure pursuant to Montana law. Therefore, the Commission grants NGI’s motion and hereby orders that information submitted in accordance with this Order be treated as “confidential information” under the terms of this Order and ARM 38.2.5001-5030.

DONE AND DATED this 11th day of September, 2001, by a vote of 4 - 1.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

GARY FELAND, Chairman

JAY STOVALL, Vice Chairman

BOB ANDERSON, Commissioner
Voting to Dissent

MATT BRAINARD, Commissioner

BOB ROWE, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

NOTE: There is no reconsideration of the granting of a protective order. There is a procedure to challenge the provider's claim of confidentiality. See ARM 38.2.5008. Reconsideration of a denial of a protective order is available in accordance with ARM 38.2.4806.

Nondisclosure Agreement

ARM 38.2.5012

Docket No. D2001.9.123

Order No. 6371

Order Action Date 9/11/01

I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information which is protected as confidential information. I have reviewed ARM 38.2.5001 through 38.2.5030 (commission rules applicable to protection of confidential information) and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and ARM 38.2.5001 through 38.2.5030 so long as such information remains protected.

I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, any party and may be further and freely distributed.

Typed or Printed Name

Signature

Date of Signature

Business Address:

Employer

Party Represented