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IN THE MATTER OF NorthWestern Energy's) UTILITY DIVISION
Application for Approval of Electric Supply)
Deferred Cost Account Balance and Projected) DOCKET NO. D2008.5.45
Electric Supply Cost)

IN THE MATTER OF NorthWestern Energy's) UTILITY DIVISION
Application for Approval of Electric Supply)
Deferred Cost Account Balance and Projected) DOCKET NO. D2009.5.62
Electric Supply Cost)

MOTION TO ESTABLISH NEW HEARING DATE

NorthWestern Corporation d/b/a NorthWestern Energy ("NorthWestern"), by and through its undersigned counsel, hereby submits this Motion to Establish New Hearing Date in the above captioned dockets and brief in support thereof. The current hearing date is scheduled for January 13, 2010. Due to unforeseen circumstances related to NorthWestern's general rate case filing in Docket D2009.9.129 which require NorthWestern to supplement that filing by no later than January 15, 2009, NorthWestern hereby respectfully requests that the Commission establish a new hearing date for either February 3, 2010 (preferably) or January 27th, 2010.

I. Background

On May 30, 2008, NorthWestern filed with the Commission its annual Application for Approval of Electric Supply Deferred Cost Account Balance and Projected Electric Supply Cost (“2008 Application” or “Docket D2008.5.45”) pursuant to Mont. Code Ann. § 69-8-210 (2007) and Commission rules. On June 9, 2008, the Commission noticed the 2008 Application and set an intervention deadline for June 26, 2008. The Commission, by Notice of Staff Action issued July 8, 2008, granted intervention to the Montana Consumer Counsel (“MCC”), the only party to request intervention in Docket D2008.5.45. NorthWestern subsequently provided updates to the 2008 Application on June 26 and July 17, 2008. The Commission issued Interim Order No. 6921 on June 27, 2008, setting rates for service rendered on and after July 1, 2008.

On May 29, 2009, NorthWestern filed with the Commission its annual Application for Approval of Electric Supply Deferred Cost Account Balance and Projected Electric Supply Cost (“2009 Application” or “Docket D2009.5.62”) pursuant to Mont. Code Ann. § 69-8-210 (2009) and Commission rules. On June 19, 2009, the Commission consolidated Docket D2008.5.45 with Docket D2009.5.62. On June 23, 2009, the Commission issued Interim Order No. 6921a setting rates for services rendered on and after July 1, 2009. On July 6, 2009, the Commission granted intervention to the MCC, the Renewable Northwest Project, Human Resource Council - District XI, and the Natural Resource Defense Council (“District XI *et. al.*”). On July 8, 2009, the Commission issued Procedural Order No. 6921b. On November 4, 2009, NorthWestern submitted a Motion to Suspend Procedural Schedule, indicating that it and MCC had entered into settlement discussions. On November 6, 2009, the Commission suspended the procedural schedule pursuant to NorthWestern’s request. On December 2, 2009,

NorthWestern and MCC submitted a Stipulation and Settlement Agreement to the Commission. On December 7, 2009, the Commission issued a Notice of Public Hearing, setting a hearing date of January 13, 2010 for this matter.

II. Discussion

A. Motion

NorthWestern hereby moves the Commission to vacate the existing hearing date and re-establish a new hearing date for either February 3, 2010 or January 27th, 2010, or any other date that is convenient for the Commission.

B. Brief in Support of Motion

NorthWestern is well aware that the January 13, 2010, hearing date was established nearly six months ago and has been on the Commission's calendar since July 8, 2009, the date Procedural Order 6921b was issued, and would not ask the Commission to change that date unless there were unique circumstances.

On October 16, 2009, NorthWestern submitted its general rate case filing in Docket D2009.9.129. The Commission rejected that filing, but has allowed NorthWestern to supplement that filing by submitting additional information by no later than January 15, 2010. *See, generally* Docket D2009.9.129. NorthWestern, and in particular its Regulatory Affairs Department, is expending substantial time and effort in preparing the materials necessary to make the January 15th supplemental filing deadline, as well as responding to data requests which have already begun in that docket. . Notably, NorthWestern's regulatory department has limited resources and is juggling several open dockets and issues. Many of the individuals involved in the general rate case supplemental filing and potentially responding to discovery in the general case are also

involved in the electric tracker docket. NorthWestern does not have sufficient personnel to work on the general rate case supplemental filing (which is due January 15th), responding to discovery on the general rate case filing (which has begun and is ongoing), as well as preparing for the electric tracker hearing (which is currently scheduled for January 13th). Because of the unique circumstances involved with the general rate case and the establishment of a January 15th supplemental filing deadline, NorthWestern respectfully requests that the January 13th electric tracker hearing be moved to either February 3rd, 2010 or January 27th, 2010 so that NorthWestern has sufficient time and resources to meet the January 15th supplemental filing deadline, respond to discovery in the general filing, as well as prepare for the electric tracker hearing.

NorthWestern has contacted counsel for both MCC and District XI *et. al.*, and they do not object to this Motion. NorthWestern has also discussed with counsel for MCC and District XI *et. al.* and have confirmed that a February 3rd or January 27th hearing date works for the parties (with a preference by the parties for February 3rd), if those dates work for the Commission.

III. Conclusion

For all the reasons stated above, NorthWestern respectfully requests the Commission grant NorthWestern's Motion and establish a new hearing date of either February 3rd, 2010 or January 27th, 2010.

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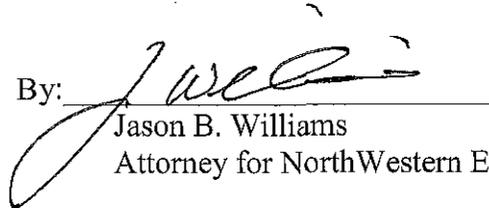
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Respectfully submitted this 15th day of December 2009.

NorthWestern Energy

By:

A handwritten signature in cursive script, appearing to read "Jason B. Williams", is written over a horizontal line.

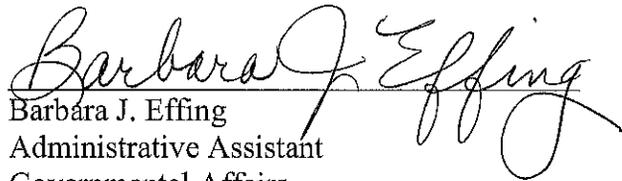
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Attorney for NorthWestern Energy

CERTIFICATE OF SERVICE

I hereby certify that a copy of NorthWestern Energy's Motion to Establish New Hearing Date has been served on the most recent service list in the combined Dockets D2008.5.45 and D2009.5.62 by first class mail and efiled with the PSC.

Date: December 18, 2009


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D2009.5.62
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