

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

IN THE MATTER OF NorthWestern )  
Energy's 2011-2012 Electricity Supply )  
Tracker )

REGULATORY DIVISION  
DOCKET NO. D2012.5.49

MOTION TO INTERVENE  
FOR PURPOSE OF APPLYING FOR PROTECTIVE ORDER

Powerex Corp. ("Powerex") hereby moves to intervene in the above-captioned proceeding for the limited purpose of applying for a Protective Order.

I.  
Name and Address of Movant

The Movant is:

Powerex Corp.  
666 Burrard Street, 13th Floor  
Vancouver, British Columbia  
Canada V6C 2X8  
Phone: (604) 891-5000  
Fax: (604) 891-5006

II.  
Name and Address of Attorney

Movant's attorney is:

John Alke  
Hughes, Kellner, Sullivan & Alke, PLLP  
P.O. West Lawrence, Suite A  
Helena, Montana 59624-1166  
Phone: 406-442-3690  
Facsimile: 406-449-4849  
Email: jalke@hksalaw.com

III.  
Statement of Movant's Interest In Proceeding

Movant's interest in this proceeding is limited to applying for and securing a Protective Order for the purpose of protecting trade secret information that is within the scope of Data Requests served in the matter by the Public Service Commission upon

NorthWestern Energy. Movant is simultaneously filing its Motion For Protective Order, with supporting Affidavit of Meredith Aitken, setting forth the grounds for seeking the Protective Order.

#### IV. Good Cause

While the Public Service Commission's Procedural Order in this matter, dated July 27, 2012, established an intervention deadline of July 9, 2012, ARM 38.2.2403 provides that motions for intervention filed after the deadline may be granted for good cause shown. In this situation, the Movant Powerex, did not become aware of the fact its trade secrets could be disclosed in this matter until after the Public Service Commission issued its Data Request Nos. PSC-006 through PSC-013 on July 13, 2012, and Data Request Nos. PSC-014 through PSC-032 on August 16, 2012, both of which were issued after the intervention deadline of July 9, 2012, identified in the Commission's Procedural Order. Further, Movant was not informed by NorthWestern Energy until August 30, 2012, of the potential disclosure of Movant's trade secrets in NorthWestern Energy's response to the two above-described Data Requests.

Upon NorthWestern Energy's notification to Movant, Movant acted expeditiously to confirm the possibility of disclosure, to identify the information which could comprise trade secret information, to evaluate Montana law concerning disclosure of documents in proceedings before the Public Service Commission, and to prepare its motions and supporting documentation for filing. As Movant is not taking a position in the proceeding but is merely seeking to protect its trade secret information, granting this Motion for Intervention will not delay or prejudice another party. If the Commission does not exercise its discretion to grant this late-filed Motion for Intervention, Movant will lose the

opportunity to protect trade secrets and will suffer competitive and economic harm.

**V.**  
**Relief Desired**

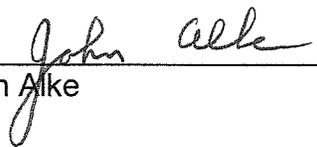
Movant respectfully requests that the Public Service Commission grant this Motion For Intervention to allow Movant to seek and secure a Protective Order as described in the Motion For Protective Order and supporting documents filed contemporaneously with this Motion.

**Service of Documents:**

Movant requests that all documents in this proceeding be served on:

John Alke  
Hughes, Kellner, Sullivan & Alke, PLLP  
P.O. West Lawrence, Suite A  
Helena, Montana 59624-1166  
Phone: 406-442-3690  
Facsimile: 406-449-4849  
Email: jalke@hksalaw.com

Dated September 10, 2012

  
\_\_\_\_\_  
John Alke

## CERTIFICATE OF SERVICE

I hereby-certify that the foregoing document has, this 10th day of September, 2012, been served by first class mail, postage prepaid, upon the following:

Charles Magraw  
501 8th Ave.  
Helena MT 59601

Dr. Thomas M. Power  
920 Evans Ave.  
Missoula MT 59801

Al Brogan  
NorthWestern Energy  
208 N. Montana Ave Ste 205  
Helena MT 59601

Robert Nelson  
Montana Consumer Counsel  
111 N. Last Chance Gulch  
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Helena MT 59620- 1703

Joe Schwartzenberger  
NorthWestern Energy  
40 E. Broadway  
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Nedra Chase  
NorthWestern Energy  
40 E. Broadway  
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Sarah Norcott  
NorthWestern Energy  
208 N. Montana Ave Ste 205  
Helena MT 59601

Kate Whitney  
Public Service Commission  
1701 Prospect Ave.  
POBox 202601  
Helena MT 59620-2601

  
\_\_\_\_\_  
John Alke