

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

**AFFIDAVIT OF TANYA TYMCHENKO IN SUPPORT OF
PRATT & WHITNEY POWER SYSTEM INC'S SECOND SUPPLEMENTAL
MOTION FOR PROTECTIVE ORDER**

STATE OF CONNECTICUT)
) ss: East Hartford
County of Hartford)

Tanya Tymchenko, being first duly sworn, states:

1. I am employed by Pratt & Whitney Power Systems, Inc. (hereafter "PWPS") as Counsel, with day-today responsibility for managing legal matters, including assurance of protection of confidentiality for company documents, data and information constituting confidential Information. In that role have personal knowledge about confidential Information, and procedures for protection of confidential information, which is included in correspondence and business transactions between PWPS and Northwestern Energy (NWE), which information is within the scope of Data Requests Nos. PSC-006(c) and (d) and PSC-008 (a), (b), and (c), made by the Public Service Commission to Northwestern Energy (NWE) in this docket.

2. NWE is a utility company engaged in the generation of electricity in Montana and regulated by the Montana Public Service Commission ("PSC"). NWE is a company to whom PWPS has sold aero-derivative gas turbines in the past, and PWPS will likely continue to conduct business with NWE in the future.

3. Through Montana counsel, we have reviewed documents marshaled by NWE as responsive to the above-mentioned Data Requests, and believe the documents described in the Second Supplemental Motion For Protective Order which this Affidavit accompanies are trade secrets under ARM 38.2.5007(4)(b) for the following reasons:

PWPS protects information it considers proprietary, trade secret, and/or otherwise confidential by entering into Confidentiality Agreements. The Contract between PWPS and NWE concerning the turbines supplied by PWPS to NWE contains such confidentiality provisions. PWPS does not share or disclose the information it considers proprietary, trade secret and/or otherwise confidential information, and this information cannot be obtained by third persons such as PWPS' competitors, by proper means. Only PWPS employees and representatives with a direct need to know are authorized to access the Information and hard copies of the Information are marked as confidential and destroyed when no longer needed.

The documents described in PWPS' Second Supplemental Motion include information concerning:

- warranty claims by NWE concerning PWPS products;
- PWPS' response to NWE's questions and/or concerns about PWPS products and their performance, including PWPS' response to these warranty claims;
- technical data and drawings regarding PWPS' products;
- PWPS' root cause analysis;
- PWPS' parts repair quotes;
- PWPS' standard terms and conditions for overhaul and repair of products; and
- detailed contract pricing information.

All of these categories of information include PWPS trade secrets.

The products PWPS sold to NWE are high technology, aero-derivative gas turbines. There are only three aeroderivative gas turbine manufacturers in the world. Information the other two manufacturers glean from PWPS' interaction with its customers, including obtaining such vital information such as technical drawings, specifications, performance guarantees, management of any potential or actual product performance or durability issues, and pricing, confers a competitive advantage to those manufacturers and risks giving the competitors a significant and unfair advantage in the industry, and could put PWPS out of business. This would be detrimental to NWE and other aeroderivative gas turbine customers because it would then leave only two manufacturers from whom they may purchase these types of turbines and certain related services.

Allowing other customers to have access to PWPS proprietary / trade secret data allows those customers to have information they can use to leverage pricing to amounts that are barely profitable, or not profitable at all, for PWPS, and again putting PWPS at risk of losing its place as one of only three aeroderivative gas turbine manufacturers in the world. This does not benefit consumers in the short or long term.

Additionally, to the extent access to the described documents allow competitors to understand how PWPS handles customer complaints, product issues and warranty claims, it allows a competitor to adjust its response to customer complaints accordingly, potentially undercutting PWPS in the marketplace.

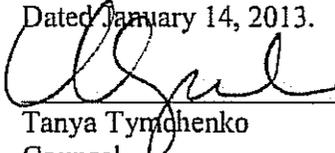
Further, if another customer understood how PWPS was handling this specific warranty complaint, the customer could use this information to demand similar recourse from PWPS even where such recourse would not be appropriate for that customer's particular product performance issue, thus eroding PWPS' position with that customer and potentially requiring PWPS to offer unnecessary and costly product improvements to that customer, again eroding PWPS profitability.

4. Prior to filing the Motion which this affidavit supports, PWPS considered the constitutional presumption in favor of disclosing materials provided to the PSC. Based on my experience and having fully considered the factual and legal bases required for protection of

confidential information, I have, with the assistance of qualified legal counsel, formed a good faith belief that the information described in paragraphs 3 and 4 above, and in the accompanying Motion for a Protective Order, are trade secrets that may be protected from public disclosure under the law, including ARM 38.2.5007.

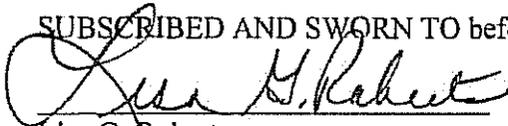
END OF AFFIDAVIT

Dated January 14, 2013.



Tanya Tymchenko
Counsel
Pratt & Whitney Power Systems, Inc.

SUBSCRIBED AND SWORN TO before me this 14th day of January, 2013.



Lisa G. Roberts

Notary Public for the State of Connecticut
Having a business address of 400 Main Street, East Hartford, Connecticut 06108
My commission expires 12/31/2015

LISA G. ROBERTS
NOTARY PUBLIC
MY COMMISSION EXPIRES DEC. 31, 2015