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

In the Matter of NorthWestern Energy's            )  
Application for Approval to Purchase and            )  
Operate PPL Montana's Hydroelectric            )     REGULATORY DIVISION  
Facilities, for Approval of Inclusion of            )  
Generation Asset Cost of Service in            )     DOCKET NO. D2013.12.85  
Electricity Supply Rates, for Approval of            )  
Issuance of Securities to Complete the            )  
Purchase, and for Related Relief            )

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**NORTHWESTERN ENERGY'S OBJECTIONS TO DATA REQUESTS ISSUED BY  
THE MONTANA CONSUMER COUNSEL ON JANUARY 24, 2014**

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NorthWestern Corporation doing business as NorthWestern Energy ("NorthWestern"), objects to data requests identified as MCC-080 and MCC-091 on the grounds more particularly described below. The Montana Consumer Counsel ("MCC") served its third set of data requests

(MCC-074 to MCC-094) on January 24, 2014. Procedural Order 7323b, ¶ 9, provides that a party may object to a data request within 10 days from service. February 3, 2014 is the deadline to object to MCC-080 and MCC-091.

MCC-080 states:

In your testimony starting at page TEM-15 you discuss differences between your Exhibit \_\_ (TEM-1) and Mr. DiFronzo's Cost of Service (COS) Model. One of the differences is that the COS Model calculates revenue credits during the period October 1, 2014 through September 30, 2015 instead of calendar year 2014. Please provide a run of the LT Rev Req Model utilizing the same revenue credits as in Mr. DiFronzo's COS Model and all other inputs adjusted accordingly.

NorthWestern objects to this data request because it is beyond the proper scope of data requests in that it requires NorthWestern to undertake an analysis that it did not make in evaluating the acquisition or preparing its Application and to produce a document that does not currently exist. Montana Rule of Civil Procedure ("M.R.Civ.P.") 34(a)(1), which has been adopted by the Commission in ARM 38.2.3301, provides that a responding party must produce documents in the party's "possession, custody, or control." Nothing in those rules or the Commission's procedural order requires a party to do additional analysis and then to produce that additional analysis. Furthermore, NorthWestern has provided a working electronic version of the LT Rev Req Model. The MCC is able to prepare the requested analysis.

MCC-091 states:

Exhibit \_\_ (PJD-2), page 1 summarizes the estimated total electricity supply rates including the Hydros. Column D shows the Estimated Electric Supply Rates (excluding generation assets) for the period October 2014 thru September 2015 using Retail KWh sales for the period November 2013 thru October 2014. The same periods were used for the calculation of rates for Column R that shows the Hydro Assets' Fixed Rates. Variable Rates for the other generation assets (Colstrip IV, Dave Gates, and Spion Kop) are estimates for the period November 2013 thru October 2014 using Retail KWh for the same period. Please provide an exhibit using the same time period as for the other Variable Rates for the Calculation of Column D, Electric Supply Rates (excluding generation assets).

NorthWestern objects to this data request because it is beyond the proper scope of data requests in that it requires NorthWestern to undertake an analysis that it did not make in evaluating the acquisition or preparing its Application and to produce a document that does not currently exist. M.R.Civ.P. 34(a)(1), which has been adopted by the Commission in ARM 38.2.3301, provides that a responding party must produce documents in the party's "possession, custody, or control." Nothing in those rules or the Commission's procedural order requires a party to do additional analysis and then to produce that additional analysis.

Additionally, NorthWestern objects to this data request because it is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. The requested analysis essentially assumes that the Hydros would be put into rates beginning November 1, 2013. Accordingly, this would also require one to assume that the purchase power costs associated with a number of PPLM contracts no longer exist as of November 1, 2013. This is unrealistic given the terms of the current agreements. Therefore, the analysis requested would also require that the revenue credits resulting from owning the Hydros be increased to reflect consideration of the existing PPLM contracts.

In conclusion, based on the foregoing, NorthWestern requests that the Commission sustain the objections made hereto by NorthWestern with respect to MCC-080 and MCC-091.

Respectfully submitted this 3<sup>rd</sup> day of February 2014

  
Al Brogan  
Sarah Norcott  
Attorneys for NorthWestern Energy

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of NorthWestern Energy's Objections to Data Requests issued by the Montana Consumer Counsel on January 24, 2014 in Docket No. D2013.12.85 has been hand delivered to The Montana Public Service Commission (MPSC) and The Montana Consumer Counsel. A copy has been e-filed on the MPSC website and counsel of record received a copy by email. A copy has been mailed to the service list in this Docket on this date

Date: February 3, 2014



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**Docket No D2013.12.85  
Hydro Assets Purchase  
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