

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

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

**MONTANA CONSUMER COUNSEL
RESPONSE TO REQUEST FOR ORAL ARGUMENT**

Montana Consumer Counsel (MCC) submitted a set of data requests to NorthWestern Energy (NWE) on January 3, 2014. On January 24, 2014, NWE responded in part, and objected in part to those requests. MCC responded to the objections on February 3, 2014. On February 5, 2014, NWE requested “oral reply and presentation.” MCC opposes this request for the reasons stated below.

To be clear, NWE is requesting oral argument on its objection that relates to a data request (MCC-011) which MCC has withdrawn. The objection is moot, and that should be the end of the matter. NWE, however, apparently wants to use that moot argument to bootstrap a complaint about the extent of discovery in this proceeding and discovery that has not yet even been propounded, or for which objections are not at issue with regard to this set of MCC data requests. The data requests directly at issue were served on January 3, with an original response date of January 10, later changed to January 24 at NWE’s request. NWE has not responded to some of these requests pending its objections, and now seeks oral presentation on or after February 10. The Commission has adequate information to rule on the objections today, and keep the discovery process moving.

NWE describes this application as historically significant. MCC agrees. It should not be at all surprising that the parties and Commission want to carefully scrutinize support for the Company's request. There is relatively little time to do that, and NWE's resistance to discovery requests makes the time for consideration even shorter. Oral argument on discovery issues is highly unusual, if it has ever occurred. NWE and MCC have filed written objections and responses with respect to MCC's data requests, and the Commission should proceed with its ruling.

Respectfully submitted February 6, 2014.

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