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Attorneys for NorthWestern Energy

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	)	REGULATORY DIVISION
Hydroelectric Facilities, for Approval of	)	
Inclusion of Generation Asset and Cost of	)	DOCKET NO. D2013.12.85
Service in Electricity Supply Rates, for	)	
Approval of Issuance of Securities to	)	
Complete the Purchase, and for Related	)	
Relief	)	

**NORTHWESTERN ENERGY'S OBJECTIONS TO  
DATA REQUESTS MCC-180 AND MCC-184**

NorthWestern Corporation doing business as NorthWestern Energy (“NorthWestern”), objects to data requests identified as MCC-180 and MCC-184 on the grounds more particularly described below. The Montana Consumer Counsel (“MCC”) served its fifth set of data requests (MCC-152 to MCC-185) (“MCC Set 5”) on February 11, 2014. Procedural Order 7323b (“Procedural Order”), ¶ 9, provides a party may object to a data request within 10 calendar days from service. February 21, 2014 is 10 calendar days from service of MCC Set 5.

#### **MCC-180**

MCC-180 asks as follows:

In reference to page 194 of Exhibit WTR-2.1, please provide the Company’s assessment of the Mattson Case litigation concerning shore erosion and flood damage due to reservoir operations.

NorthWestern objects to this data request because it seeks privileged information.

Privileged information is not discoverable. M. R. Civ. P. 26(b)(1). Consistent with the terms of the Procedural Order, NorthWestern will provide the appropriate privilege log at the time in which a response to this data request is due.

#### **MCC-184**

MCC-184 asks as follows:

Please provide the information in the PPLM data room with a corresponding topical index.

NorthWestern objects to this data request. First, MCC-184 seeks information that has already been asked for in PSC-036. In response to PSC-036b, NorthWestern objected, but without waiving said objection, provided the parties and the Commission a copy of the index of documents contained in the PPLM data room on January 24, 2014. With respect to MCC-184,

NorthWestern renews<sup>1</sup> its objection to the request for the entire PPLM data room. Specifically, NorthWestern objects to this request to the extent that it is overly broad and unreasonably vague, seeks information that is irrelevant, outside the reasonable scope of this proceeding, and not calculated to lead to the discovery of admissible evidence; seeks the production of documents without reference to a time period or seeks documents during a time period that has no relevance to the matters at issue in this proceeding; calls for the production of documents that are cumulative or contain duplicative information without a specific determination as to their relevance and the need for them, especially in light of the time and expense required to gather and produce the voluminous requested documents; imposes on NorthWestern undue expenses or unreasonable burden; seeks information or documents relating to entities other than NorthWestern, including but not limited to information relating to assets of PPL Montana (“PPLM”) that are not part of this acquisition by NorthWestern; and requires public disclosure of information that is confidential or commercially sensitive to PPLM.

Notwithstanding NorthWestern’s objection to PSC-036a and to this data request, PPLM has permitted certain Commission staff and its consultants as well as the MCC access to the PPLM data room if a Nondisclosure Agreement is signed. After obtaining access, NorthWestern has indicated that Commission staff and the MCC may seek specific documents in the PPLM data room through the discovery process. The Commission staff has had access to the PPLM data room since February 5, 2014. After resolving the MCC’s issues with the Nondisclosure Agreement, a MCC representative had access to the PPLM data room as of the evening of February 19, 2014. Therefore, based on the foregoing, the Commission should sustain NorthWestern’s objection to MCC-184.

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<sup>1</sup> During the February 18, 2014 business meeting, the Commission took no action on NorthWestern’s objection to PSC-036a.

Respectfully submitted this 21<sup>st</sup> day of February 2014.

A handwritten signature in blue ink that reads "Sarah Norcott". The signature is written in a cursive style and is positioned above a horizontal line.

Sarah Norcott

Al Brogan

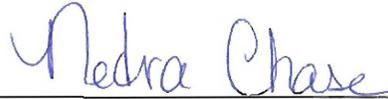
Heather H. Grahame

Attorneys for NorthWestern Energy

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of NorthWestern Energy's Objections to Data Requests MCC-180 and MCC-184 in Docket No. D2013.12.85 has been hand delivered to The Montana Public Service Commission and The Montana Consumer Counsel. A copy has been e-filed on the MPSC website. It will be mailed to the most recent service list in this Docket by first class mail. It will also be emailed to the counsel of record.

Date: February 21, 2014



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**Docket No D2013.12.85  
Hydro Assets Purchase  
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