

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 OBJECTIONS

On February 21, 2014, Montana Consumer Counsel (MCC) served data requests to NorthWestern Energy (NWE) regarding its application in this proceeding. NWE objects to MCC-202. MCC responds to this objection as set forth below.

MCC-202

MCC-202 states as follows:

Regarding: PPL Data Room documents
Witness: Various

Please provide the documents identified in the attachment "Requested PPL Data Room Documents." If some of the documents listed have already been provided elsewhere, please state so and indicate where those documents may be found.

NWE objects to this request "to the extent" it is overly broad, unreasonably vague, seeks irrelevant information, is unreasonably burdensome, seeks information relating to entities other than NWE, requests documents not in the possession of NWE, or requires disclosure of protected information. These objections are not well taken.

MCC-202 relates to documents in the so-called PPL Data Room a website that allows review of electronically stored information. It must first be noted that MCC and Commission Staff cooperatively agreed to extraordinary non-disclosure agreements, not issued by the Commission, in order to review these documents and create a limited list for production in this proceeding. This limited list was incorporated by reference in MCC-202. This unusual exercise, at NWE's request, had its intended effect of limiting the amount of material requested. In fact, MCC believes that far less than 10% of the documents in the Data Room are the subject of this request. To claim that the material in the Data Room is overly broad or irrelevant is belied by NWE's own prefiled testimony. For example, the first observation Witness Rhoads makes about NWE's due diligence efforts is that the Company's team "Reviewed information provided by PPLM in the data room." WTR-7. This was admittedly information that NWE believed was important to review in making a decision to purchase the hydro facilities. All of it. PPL itself supplied what it thought NWE might have an interest in reviewing, making its own determination of what might be viewed as relevant. Now that NWE is seeking preapproval of this transaction from the Commission, shifting purchase risks to ratepayers, it cannot be reasonably suggested that the Commission and ratepayers have any less interest and reason to review even a small subset of what was provided to NWE. NWE can request protective orders to the extent necessary. Specifically regarding documents 11.3.2.1 through 11.3.2.9, MCC is willing to work with NWE to accept any large documents in electronic form.

Respectfully submitted March 10, 2014.

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