



June 26, 2014

Ms. Kate Whitney
Montana Public Service Commission
1701 Prospect Avenue
P.O. Box 202601
Helena, MT 59620-2601

RE: Docket No. D2013.12.85
PPLM Hydro Assets Purchase
PSC Set 10 Data Requests (131-195)
UPDATED RESPONSE TO PSC-191b

Dear Ms. Whitney:

Enclosed for filing is a copy of NorthWestern Energy's updated response to PSC-191b Data Request. A hard copy will be mailed to the most recent service list in this Docket this date. This updated Data Request response will be e-filed on the PSC website. This updated data response will be emailed to counsel of record and hand delivered to the PSC and MCC.

Should you have questions please contact Joe Schwartzenberger at 406 497-3362.

Sincerely,

Nedra Chase
Administrative Assistant
Regulatory Affairs

NC/nc
CC: Service List

CERTIFICATE OF SERVICE

I hereby certify that a copy of NorthWestern Energy's updated response to PSC-191b in PSC Set 10 Data Requests (131-195), Docket D2013.12.85, the PPLM Hydro Assets Purchase have been hand delivered to the Montana Public Service Commission and the Montana Consumer Counsel. This updated Data Request response will be e-filed on the PSC website and served on the most recent service list by mailing a copy thereof by first class mail, postage prepaid and will also be emailed to counsel of record.

Date: June 26, 2014

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

Nedra Chase
Administrative Assistant
Regulatory Affairs

**Docket No D2013.12.85
Hydro Assets Purchase
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**NorthWestern Energy
Docket D2013.12.85
PPLM Hydro Assets Purchase**

**Public Service Commission (PSC)
Set 10 (131-195)**

Data Requests served February 21, 2014

PSC-191

Regarding: Arctic Grayling
Witness: Sullivan

- a. Does the “status review” begun in Nov. 2013 of the arctic grayling’s status under the Endangered Species Act affect the waterway(s) on which the Hydros are located?
- b. What have NWE and PPLM done to monitor this proceeding and did either submit comments by the Dec. 2013 deadline?
- c. The fish’s current designation under the ESA is “warranted but precluded.” Please describe your understanding of what this designation means.
- d. Has NWE considered the types of remedial actions that could be required of the Hydros’ owner if the arctic grayling is listed as an endangered species? Please discuss the results of that consideration.

RESPONSE:

- a. The Status Review includes the Upper Missouri system, which includes the Missouri River upstream of Great Falls, Montana.
- b. NorthWestern has analyzed and monitored issues relating to the Arctic grayling, including this proceeding, through closely working with its outside environmental counsel. In addition, NorthWestern reviewed the November 26, 2013 Federal Register, 50 CFR Part 17 [Docket No. FWS–R6–ES–2013–0120; 4500030113] Endangered and Threatened Wildlife and Plants; Initiation of Status Review of Arctic Grayling in the Upper Missouri River System. NorthWestern did not submit comments on the docket as it was a call for information regarding Arctic grayling in the upper Missouri River basin, of which NorthWestern had none. NorthWestern does not know what PPLM did or did not do relative to this proceeding.
- c. The Arctic grayling is listable under the Endangered Species Act, but listing is precluded by higher priority listing actions. For a description of the United States Fish and Wildlife Service’s interpretation of “warranted but precluded” as it applies to the Arctic grayling see *Endangered and Threatened Wildlife and Plants*, 75 Fed. Reg. 54,708 54,742-54,752 (September 8, 2010).
- d. See the response to Data Request PSC-190.

**NorthWestern Energy
Docket D2013.12.85
PPLM Hydro Assets Purchase**

**Public Service Commission (PSC)
Set 10 (131-195)**

Data Requests served February 21, 2014

PSC-191 cont'd

UPDATED RESPONSE (June 26, 2014):

- b. Subsequent to the filing of the initial response above, PPLM advised NorthWestern that it did not submit comments on Docket No. FWS-R6-ES-2013-0120.