

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

IN THE MATTER OF NorthWestern Energy's
2012-2013 Electricity Supply Tracker

IN THE MATTER OF NorthWestern Energy's
2013-2014 Electricity Supply Tracker

REGULATORY DIVISION

Docket Nos. D2013.5.33, D2014.5.46

**DATA REQUESTS MEIC-001 THROUGH MEIC-011
OF MONTANA ENVIRONMENTAL INFORMATION CENTER AND SIERRA CLUB
TO NORTHWESTERN ENERGY**

Montana Environmental Information Center and Sierra Club, by and through their legal counsel, hereby submit their first set of data requests to NorthWestern Energy. Within thirty (30) days, please forward responses to the data requests below to the undersigned counsel.

GENERAL INSTRUCTIONS

- 1) **Definitions:** For the purposes of these data requests, the following definitions shall apply:
 - a) The term "NorthWestern Energy" means NorthWestern Energy, its parent company or companies, and any and all affiliates and/or subsidiaries, successors, predecessors, agents, consultants, and witnesses in this proceeding, and any and all of their affiliates, subsidiaries, or predecessors.
 - b) The term "Company" means and includes NorthWestern Energy, its parent company or companies and any and all affiliates and/or subsidiaries, successors, predecessors, agents, consultants, and witnesses in this proceeding, and any and all of their affiliates, subsidiaries, or predecessors.
 - c) "Document" means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, minutes of directors or committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs,

films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer's notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reasons of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate "document."

- d) "And" or "or" shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
- e) The term "you" and "your" refer to "NorthWestern Energy."
- f) The term "person" means any natural person, corporation, corporate division, partnership, limited liability company, other unincorporated association, trust, government agency, or entity.
- g) The term "regarding" means consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.
- h) The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.
- i) "Identify" or "identifying" or "identification" when used in reference to a person that is a natural person means to state: the full name of the person and any names under which he conducts business; the current employer of the person, the person's job title and classification, the present or last known work address of the person; and, the present or last known telephone number of the person.
- j) "Identify" or "identifying" or "identification" when used in reference to a document means to provide with respect to each document requested to be identified by these discovery requests a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:
 - (a) the type of document (e.g., letter, memorandum, etc.);
 - (b) the date of the document;
 - (c) the title or label of the document;
 - (d) the Bates stamp number or other identifier used to number the document for use in litigation;
 - (e) the identity of the originator;

- (f) the identity of each person to whom it was sent;
 - (g) the identity of each person to whom a copy or copies were sent;
 - (h) a summary of the contents of the document;
 - (i) the name and last known address of each person who presently has possession, custody or control of the document; and,
 - (j) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.
- k) “Identify” or “identifying” or “identification” when used in reference to communications means to state the date of the communication, whether the communication was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, identify the document(s) containing or referring to the communication.
- l) “Current” when used in reference to time means in the present time of this data request.
- m) “Customer” means a person who buys retail electricity on a regular and ongoing basis.
- n) “Workpapers” are defined as original, electronic, machine-readable, unlocked, Excel format (where possible) with formulas in-tact.

2) OTHER INSTRUCTIONS

- a) Please provide responses with thirty (30) days of the date of these requests.
- b) Responses are to be provided in electronic format (e.g., text documents should be in the original word processor file format or PDF, data files should be in Excel).
- c) If you contend that any response to any data request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
 - (a) The privilege asserted and its basis;
 - (b) The nature of the information withheld; and,

- (c) The subject matter of the document, except to the extent that you claim it is privileged.
- d) For any document or set of documents NorthWestern Energy objects to providing on the grounds it is burdensome or voluminous, please identify the specific document.
- e) These data requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These data requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.
- f) If any data request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
- g) These data requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these data requests subsequently become known.
- h) For each response, identify all persons (see instruction 1(j)) that were involved in the preparation of the answers to the interrogatories below and/or are responsible for compiling and providing the information contained in each answer.
- i) Identify which witness(es) at the hearing(s) is competent to adopt and/or discuss the response.
- j) Please produce the requested documents in electronic format to the following individuals:

Jenny Harbine
Earthjustice
313 E. Main St.
Bozeman, MT 59715
jharbine@earthjustice.org

Matthew Gerhart
Earthjustice
705 Second Ave, Suite 203
Seattle, WA 98104
mgerhart@earthjustice.org

David A. Schlissel
Schlissel Technical Consulting
45 Horace Road
Belmont, MA 02478
david@schlissel-technical.com

- k) Wherever the response to an interrogatory or request consists of a statement that the requested information is already available to MEIC and Sierra Club, provide a detailed citation to the document that contains the information. This citation shall include the title of the document, relevant page number(s), and to the extent possible paragraph number(s) and/or chart/table/figure number(s).
- l) In the event that any document referred to in response to any request for information has been destroyed, specify the date and the manner of such destruction, the reason for such destruction, the person authorizing the destruction and the custodian of the document at the time of its destruction.
- m) MEIC and Sierra Club reserve the right to serve supplemental, revised, or additional discovery requests as permitted in this proceeding.

First Set of Discovery Requests

MEIC-001 Subject: Colstrip 4 Outage Cause

Please refer to the direct testimony of Kevin J. Markovich, page 9, lines 9-14. Please provide a detailed description of the events leading up to Colstrip Unit 4 tripping off line.

MEIC-002 Subject: Colstrip 4 Outage Cause

Please provide any outage report(s) prepared by or for the Company for the Colstrip Unit 4 outage that lasted from July 1, 2013 to January 23, 2014.

MEIC-003 Subject: Colstrip 4 Outage Cause

Please provide copies of the material used in any presentations to the Company's Board of Directors (and all committees or subcommittees thereof) or to the Company's President, CEO or CFO which addressed any of the following subjects:

- a. the Colstrip Unit 4 trip of July 1, 2013 or the cause(s) of that trip.
- b. the Colstrip Unit 4 outage which began on July 1, 2013 and lasted until January 23, 2014.
- c. The events or problems which prevented or were preventing the return of Colstrip Unit 4 to service following the July 1, 2013 trip.

MEIC-004 Subject: Colstrip 4 Outage Costs

Please provide copies of the material used in any presentations to the Company's Board of Directors (and all committees or subcommittees thereof) or to the Company's President, CEO or CFO which addressed any of the following subjects:

- a. the incremental O&M expenses and/or capital expenditures incurred to bring Colstrip Unit 4 back on line following the trip of July 1, 2013 including all such expenses incurred during the outage that lasted until January 23, 2014.
- b. the cost of replacement power incurred by the Company due to the unavailability of Colstrip Unit 4 for part or all of the period July 1, 2013 through January 23, 2014.

MEIC-005 Subject: Colstrip 4 Outage Costs

Provide copies of all assessments or evaluations of possible sources and/or costs of replacement power for Colstrip Unit 4 that were prepared by or for the Company during the period July 1, 2013 through January 23, 2014.

MEIC-006 Subject: Colstrip 4 Outage Cause

Please refer to the direct testimony of Kevin J. Markovich, page 9, lines 12-14. Please provide a detailed description of the actions taken to bring Colstrip unit 4 back on line after the events of July 1, 2013.

MEIC-007 Subject: Colstrip 4 Outage Costs

Please refer to the direct testimony of Kevin J. Markovich, page 10, lines 19-23. Please produce all studies or calculations of the "amount and/or cost" of the "replacement power" purchased during the "CU4 outage." If no such studies or calculations exist, please so state.

MEIC-008 Subject: Colstrip 4 Outage Cause

Did the scheduled maintenance in May and June 2013 cause or contribute to Colstrip unit 4 tripping off-line in July 2013? Please produce all documents relied upon and/or supporting the response.

MEIC-009 Subject: Colstrip 4 Outage Cause

Have any outside consultants or companies investigated what caused the event that led Colstrip unit 4 to trip off-line on July 1, 2013?

- a. If yes, please produce all final reports from such outside consultant(s) and/or company/companies.

MEIC-010 Subject: Colstrip 4 Outage Costs

Please refer to the dissenting opinion on June 18, 2014 in Docket No. D.2013.5.33 and D.2014.5.46 of Commissioner Travis Kavulla, page 3, stating that \$11,135,466 represents the “Commission staff’s best guess, given the information available at present, of the incremental costs of the outage, beyond the ordinary fixed and variable costs of CU4 that could have been expected were the plant operational.” Please state whether NorthWestern agrees with the statement quoted above.

MEIC-011 Subject: Colstrip 4 Outage Costs

Please refer to Exhibit A attached to the dissenting opinion on June 18, 2014 of Commissioner Travis Kavulla in Docket Nos. D.2013.5.33 and D.2014.5.46.

- a. Does NorthWestern accept as accurate all of the data listed in Exhibit A?
 - i. If no, please identify each cell containing data that NorthWestern believes is inaccurate.

- b. Does NorthWestern accept as proper the methodology used in Exhibit A to calculate the incremental cost of the Colstrip unit 4 outage?
 - i. If no, please explain why not.
 - ii. If no, please describe the alternative methodology that NorthWestern believes should be used to calculate the incremental cost of the Colstrip unit 4 outage.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September, 2014, I served the foregoing "Data Requests MEIC-001 through MEIC-011" by first-class mail, postage prepaid, to the following:

Kate Whitney
Administrator
Public Service Commission
1701 Prospect Ave.
Helena, MT 59620-2601

Robert Nelson
Monica J. Tranel
Montana Consumer Counsel
P.O. Box 201703
Helena, MT 59620-1703

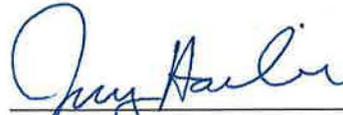
Sarah Norcott
Al Brogan
NorthWestern Energy
208 North Montana, Suite 205
Helena, MT 59601

Charles Magraw
501 8th Ave
Helena, MT 59601

Joe Schwartzenberger
NorthWestern Energy
40 East Broadway
Butte, MT 59701

Dr. Thomas Power
920 Evans Ave
Missoula, MT 59801

Tracy Lowney Killoy
NorthWestern Energy
40 East Broadway
Butte, MT 59701



Jeremy K. Harbine