

Service Date: December 19, 2014

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

IN THE MATTER OF NorthWestern Energy's)	REGULATORY DIVISION
2012-2013 Electricity Supply Tracker)	DOCKET NO. D2013.5.33
2013-2014 Electricity Supply Tracker)	DOCKET NO. D2014.5.46

MOTION TO INTERVENE

Siemens Energy, Inc. ("SEI"), through its counsel, hereby moves the Montana Public Service Commission ("Commission") for intervention in the above-captioned docket, pursuant to ARM 38.2.2403(1) and the procedure for late intervention set forth in the Commission's Procedural Order, dated October 22, 2014. SEI seeks intervention for the limited purpose of filing a motion for protective order to protect confidential data, which may be disclosed in response to data requests issued in this matter.

LEGAL STANDARDS

The Commission's Rules require that motion for intervention include:

The name and address of the party intervening; the name and address of his attorney, if any; a clear and concise statement of the direct and substantial interest

of the petitioner in the proceeding; his position in regard to the matter in controversy; and a statement of the relief desired.

ARM 38.2.2403.

In addition, the Procedural Order requires that motion for late intervention provide the following information:

(1) The general position that [the intervening party] intends to take; (2) a legally protectable interest directly affected by this proceeding; (3) whether late intervention would delay the proceeding or prejudice another party; and (4) good cause for not having filed a timely petition. Late intervention will become effective only upon action of the Commission.

(Oct. 22, 2014 Procedural Order at 3.) Accordingly, SEI provides the following information:

REQUIRED INFORMATION AND LEGAL ANALYSIS

I. INFORMATION REQUIRED UNDER ARM 38.2.2403(1)

Name and address of the intervening party:

Siemens Energy, Inc.
4400 Alafaya Tr.
Orlando, FL 32826

Attorneys for intervening party:

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Statement of interest, position in regard to the proceedings, and relief desired:

SEI offers utilities, including NorthWestern, engineering, consulting, and repair and maintenance services, among many others. For decades, SEI has made substantial investments

in research and development, and acquired extensive experience necessary to develop the skills and expertise required to provide these services.

In July of 2013, Unit 4 of the Colstrip power plant was damaged, which required the unit to be taken offline. NorthWestern is a utility company engaged in the generation of electricity in Montana and regulated by the Commission. NorthWestern is a company with which SEI has conducted business in the past and will likely continue to conduct business with in the future. NorthWestern contracted with SEI for consulting and repair services. As part of these services, SEI provided confidential, proprietary information to NorthWestern. This information was transmitted in many forms, including emails, photographs, and other reports. It includes technical and repair information, repair plans, and industry expertise. Due to the proprietary nature of this information, SEI and NorthWestern agreed to restrict disclosure of this information. SEI's interest in this proceeding is limited to applying for and securing a protective order to protect trade secret information which is within the scope of data requests issued in this matter. Public disclosure of documents containing this information would result in substantial and irreparable economic harm to SEI. SEI does not take a position regarding the substantive issues in the matter.

II. INFORMATION REQUIRED BY THE PROCEDURAL ORDER

(1) The general position SEI intends to take:

As stated above, SEI moves the Commission for intervention for the limited purpose of protecting from public disclosure confidential and sensitive information, which qualifies as trade secret under the Commission's administrative rules. SEI has contemporaneously filed a motion for protective order to prevent the disclosure of a limited amount of information otherwise

subject to data requests filed in this proceeding. This is SEI's sole purpose for intervention, and it does not intend to pursue any other objective relating to the merits of this proceeding.

(2) SEI's legally protectable interest directly affected by this proceeding:

SEI has a legally protectable interest in preventing the disclosure of trade secret information related to this proceeding. The administrative rules provide a party may move the Commission to issue a protective order to prevent the disclosure of trade secret information. ARM 38.2.5001, et seq. After Unit 4 of the Colstrip power plant was damaged, SEI provided consulting and repair services to NorthWestern and in doing so, provided sensitive and proprietary business information to NorthWestern. This information qualifies as trade secret. Data requests issued to NorthWestern in this proceeding may require disclosure of this information, if SEI does not act.

(3) Whether late intervention would delay the proceeding or prejudice another party:

SEI will not delay this proceeding. SEI filed contemporaneously with this motion its motion for protective order with the accompanying affidavit. SEI does not seek any changes to the deadlines in the Procedural Order and is not aware of any reason its intervention would cause delays.

(4) Good cause for not having filed a timely petition:

The Commission's Procedural Order established an intervention deadline of July 18, 2014. The data requests seeking SEI's confidential information were not issued until after that date. Moreover, SEI was not a party to the action and was not served with the data requests at the time they were issued. Upon learning of the potential for disclosure of its trade secrets, SEI took action to confirm the possibility of disclosure, identify the Information which could

comprise trade secrets, evaluate relevant law, and prepare its motions and supporting documentation for filing.

CONCLUSION

For the foregoing reasons, SEI requests the Commission grant its motion for intervention.

Dated December 19, 2014.

CROWLEY FLECK PLLP

A handwritten signature in black ink, appearing to read 'M. Green', written over a horizontal line.

Michael Green

Wiley Barker

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has, this day of December 19, 2014, been served by first class mail, postage prepaid, upon the following:

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