

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

REGULATORY DIVISION

Docket Nos. D2013.5.33, D2014.5.46

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

**DATA REQUESTS MEIC-085 THROUGH MEIC-094
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 data requests 85 through 94 to NorthWestern Energy. Within fourteen (14) 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) "Unit 4" means Colstrip Unit 4.
 - d) "The outage," "the Colstrip Unit 4 outage," and "the extended outage" refer to the outage at Colstrip Unit 4 that occurred between July 1, 2013 and January 23, 2014.

- e) “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.”
- f) “And” or “or” shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.
- g) The term “you” and “your” refer to “NorthWestern Energy.”
- h) The term “person” means any natural person, corporation, corporate division, partnership, limited liability company, other unincorporated association, trust, government agency, or entity.
- i) 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.
- j) The singular as used herein shall include the plural and the masculine gender shall include the feminine and the neuter.
- k) “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.
- l) “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.
- m) “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.
 - n) “Current” when used in reference to time means in the present time of this data request.
 - o) “Customer” means a person who buys retail electricity on a regular and ongoing basis.
 - p) “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 fourteen (14) 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
1625 Massachusetts Ave. NW
Suite 702

Washington, DC 20036
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.

Data Requests MEIC-085-094

MEIC-085 Subject: Utility Contracting

Please reference page FL-5 through FL-8 of the Prefiled Rebuttal Testimony of Fred Lyon.

- a. Please provide copies of each industry related writing by Mr. Lyon on the subject of contracting by an electric utility.
- b. Please provide copies of the slides or other materials used in each presentation given by Mr. Lyon that addressed, in whole or in part, the subject of contracting by an electric utility.

MEIC-086 Subject: Utility Contracting

Please reference page FL-10, line 22, through page FL-12, line 22, of the Prefiled Rebuttal Testimony of Fred Lyon. Please provide copies of the recital pages and relevant language from any other agreements, in the possession of Mr. Lyon or NorthWestern that address the issue of consequential damages related to maintenance or overhaul of power plant equipment.

MEIC-087 Subject: Business Interruption Insurance

Please reference page FL-14, line 20, to page FL-15, line 15, of the Prefiled Rebuttal Testimony of Fred Lyon.

- a. Provide a list of all of the IPPs of which Mr. Lyon is aware that purchase business interruption insurance for their power plant(s) and provide the documents that form the basis for Mr. Lyon's conclusion that each such IPP purchases that insurance.
- b. Provide a list of all of the investor-owned utilities, of which Mr. Lyon is aware, that have purchased business interruption insurance for their power plant(s) and provide the documents that form the basis for Mr. Lyon's conclusion that each such IOU purchases that insurance.
- c. Provide a list of all of the investor-owned utilities of which Mr. Lyon is aware that evaluated the costs and benefits of purchasing business interruption insurance for their power plant(s) and have decided not to do so and provide the documents which form the basis for Mr. Lyon's conclusion that each such IOU has evaluated and decided not to purchase business interruption insurance.

MEIC-088 Subject: Business Interruption Insurance

Please reference page FL-15, line 23, to page FL-16, line 8, of the Prefiled Rebuttal Testimony of Fred Lyon.

- a. Please provide all of the documents and other evidence that forms the basis for the statement that "It is well known in the industry that such insurance is expensive and because of its costs, limits, restrictions, and terms, not a cost effective option."
- b. Please provide all of the documents and other evidence that shows when this became "well known in the industry."
- c. Please provide all of the documents and other evidence that shows what NorthWestern knew prior to the 2013 outage about the cost effectiveness of outage insurance.

MEIC-089 Subject: Generator Failures

Please reference page RAH-5, lines 9-13, of the Prefiled Rebuttal Testimony of Ronald A. Halpern.

- a. Provide copies of the testimony filed by Mr. Halpern concern the 2000 Hunter core failure and the 2008 Gibson 4 generator failure.
- b. Identify the company that was the vendor of the generators that failed at the Hunter plant in 2000 and the Gibson 4 plant in 2008, and the model of each of those generators.

MEIC-090 Subject: Colstrip Unit 4 Generator Overhaul

Please reference page RAH-7, lines 13-16, of the Prefiled Rebuttal Testimony of Ronald A. Halpern. Please state the date when the following activities occurred during the May 2013 Colstrip Unit 4 generator overhaul:

- a. rotor insertion
- b. installation of the skid pan
- c. installation of the air gap baffles.

MEIC-091 Subject: Colstrip Unit 4 Generator Overhaul

Please reference page RAH-7, lines 13-16, of the Prefiled Rebuttal Testimony of Ronald A. Halpern. To the extent that “damage from the skid pan” occurred, please state when Mr. Halpern believes that such damage would have occurred.”

MEIC-092 Subject: Generator Failures

Please reference page RTW-9, lines 13-16, of the Prefiled Rebuttal Testimony of Robert T. Ward.

- a. Please provide a list of the dates of each catastrophic-type failure of large generators manufactured between 1976 and 1997 of which Mr. Ward is aware.
- b. Specify the length of the power plant outage(s) that followed each such failure.
- c. Specify the root cause of each such failure.

MEIC-093 Subject: Colstrip Units 3 and 4 Performance

Please reference page MJB-5, lines 13-18, of the Prefiled Rebuttal Testimony of Michael J. Barnes.

- a. Specify each of the other measures of generator performance that are used in the industry.
- b. For each such measure, please provide the annual performance of Colstrip Unit 3 and Colstrip Unit 4, separately, under that measure in the years starting with 2009 and ending with 2014.

MEIC-094 Subject: Michael J. Barnes Workpapers

Please reference pages MJB-8 to MJB-16 and Exhibit MJB-2 of the Prefiled Rebuttal Testimony of Michael J. Barnes. Please provide, in electronic Excel-readable format, with all cells active, all of the workpapers for Mr. Barnes' Exhibit MJB-2 and any other workpapers and source documents that are not electronic spreadsheets.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2015, I served the foregoing "Data Requests MEIC-085 through MEIC-094" by first-class mail, postage prepaid, to the following:

Kate Whitney
Administrator
Public Service Commission
1701 Prospect Ave.
Helena, MT 59620-2601
(via Federal Express)

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

Sarah Norcott
Al Brogan
John Alke
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

John W. Wilson
J W Wilson & Associates
1601 N. Kent, Suite 1104
Arlington, VA 22209

William W. Mercer
Holland & Hart
401 North 31st Street, Suite 1500
P.O. Box 639
Billings, MT 59103-0639

Michael Green
Wiley Barker
Crowley Fleck PLLP
900 N. Last Chance Gulch, Suite 200
Helena, MT 59601



Jenny K. Harbine