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Attorneys for NorthWestern Energy

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

IN THE MATTER OF NorthWestern Energy's	)	
2013 and 2014 Applications for (1) Approval of	)	REGULATORY DIVISION
Deferred Cost Account Balances for Electricity	)	
Supply, CU4 Variable Costs, DGGS	)	DOCKET NO. D2013.5.33
Variable Costs/Credits, Spion Variable	)	
Costs; and (2) Projected Electricity Supply Cost	)	DOCKET NO. D2014.5.46
Rates, CU4 Variable Rates, DGGS Variable	)	
Rates, and Spion Variable Rates	)	

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**NorthWestern Energy's Objection to Introduction of Data  
Requests Into Evidence**

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Paragraph 5(k) of the Montana Public Service Commission's ("Commission") Procedural Order 7283f entered in this docket ("Procedural Order") requires a party to the proceeding to file written objections to the introduction of discovery responses into evidence. Pursuant to that provision of the Procedural Order, NorthWestern Corporation, d/b/a NorthWestern Energy ("NorthWestern"), objects to the introduction of discovery responses into evidence as set forth herein ("Objections"). NorthWestern integrates with its Objections its brief in support of its Objections.

**THE RULES OF EVIDENCE PROHIBIT THE MASS INTRODUCTION OF  
DISCOVERY RESPONSES INTO EVIDENCE**

Both the Montana Consumer Counsel ("MCC") and the Montana Environmental Information Center and Sierra Club ("MEIC/Sierra Club") contend in their Prehearing Memoranda that all discovery responses should automatically be treated as evidence in this proceeding. These consolidated dockets are a contested case proceeding which must be conducted in accordance with the provisions of the Montana Administrative Procedure Act ("MAPA"), specifically §§ 2-4-601, MCA *et seq.* Integral to the statutorily mandated procedure is a requirement that the hearing be conducted in accordance with the Montana Rules of Evidence ("M. R. Ev."). § 2-4-612(2), MCA. The Montana Rules of Evidence clearly and unequivocally specify that only relevant evidence is admissible: "Evidence which is not relevant is not admissible." Rule 402, M. R. Ev. The Commission did not screen discovery requests in this proceeding on the basis of admissibility (including relevance to the issues in the proceeding):

Only objections based upon discoverability will be considered; objections on admissibility will be overruled.

Procedural Order at ¶10. If there is a mass introduction of discovery responses into evidence, as proposed by the MCC and MEIC/Sierra Club, “evidence” in this proceeding will be admitted without regard to admissibility, including the relevance of the discovery responses to the issues raised by the parties in the proceeding.

The definition of relevant evidence is:

Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable that it would be without the evidence. Relevant evidence may include evidence bearing on the credibility of a witness or hearsay declarant.

Rule 401 M. R. Ev.(emphasis supplied). Attached to these Objections as Exhibit 1 is a listing of the discovery responses submitted by NorthWestern in this proceeding, and demonstration of their lack of relevance to the issues in this proceeding. It indicates that a substantial majority of the NorthWestern discovery responses in this proceeding contain information which has no bearing on the issues raised by the parties in their prefiled testimony to the Commission.

The mass introduction of discovery responses into evidence in this proceeding is impermissible under the Montana Rules of Evidence.

**THERE ARE FAIR HEARING AND DUE PROCESS ISSUES ASSOCIATED WITH THE MASS INTRODUCTION OF DISCOVERY RESPONSES INTO EVIDENCE**

Because the subject of its hearings are quite technical, the Commission requires the parties before it to submit their evidence in the form of prefiled testimony and exhibits. ARM 38.2.4204(1) and 38.2.4205(6), Procedural Order at ¶ 5. As the Commission used to make very clear in its previous procedural orders, the function of prefiled testimony is to narrow the issues for hearing, thereby preventing unfair surprise. Accordingly, in a rate case filing, the utility files

its case in chief as part of its initial filing, Intervenors present their cases in their prefiled testimony, and the utility, the party with the burden of proof, closes the evidence with an opportunity to rebut the Intervenors' prefiled testimony. The mandatory procedure imposed by the Commission does not contemplate the "rebuttal" of discovery responses.

To the extent a party wants to use a response to its discovery in its case, all it has to do is incorporate it in its prefiled testimony and exhibits. Similarly, to the extent a party wants to impeach a witness with a discovery response during cross-examination, there is no problem. The discovery response can be introduced into evidence during the course of the cross examination. On the other hand, if all responses to discovery are treated as evidence, without incorporation into the prefiled testimony and exhibits, or through cross examination, the statutory and due process right to respond to that "evidence," through discovery and rebuttal testimony, is eliminated.

The primary source of the fair hearing due process problem is discovery requests submitted to the parties by the Commission Staff. To the extent that the Staff asks a party's expert for an opinion, or basis for opinion, not set forth in the expert's prefiled testimony and exhibits, all other parties to the proceeding are denied their fair hearing and due process rights if the discovery response is automatically treated as evidence in the proceeding. "Opportunity shall be afforded all parties to respond to and present evidence and argument on all issues involved." § 2-4-612(1), MCA. NorthWestern objects to the introduction into evidence of any responses to Staff Data Requests.

Treating all discovery responses as evidence in a contested case proceeding violates MAPA's fair hearing guarantees, and due process requirements.

## MEIC/SIERRA CLUB IDENTIFIED DATA REQUESTS

MEIC/Sierra Club specifically identifies a number of data responses it wishes to introduce into evidence. Every one of them is a response by NorthWestern to discovery requests submitted by MEIC/Sierra Club, the MCC, or the Commission Staff. NorthWestern has already objected during discovery, on grounds of relevance, to seven of the underlying discovery requests: MEIC/Sierra Club Data Requests 25, 26, 28, 44, 50, 64, and 72.

Apparently, none of NorthWestern's data responses were incorporated in the prefiled testimony and exhibits submitted by MEIC/Sierra Club, as it would be unnecessary to seek their separate introduction into evidence if they had been incorporated. To the extent that MEIC/Sierra Club needs to use the identified discovery responses in its cross examination of NorthWestern's witnesses, it can offer such discovery responses into evidence at the time they are used for cross examination purposes. If they are not going to be used for cross examination purposes, and were not incorporated into the prefiled testimony and exhibits of the MEIC/Sierra Club witness, there is no purpose to be served by introducing them into evidence.

Respectfully submitted this 25<sup>th</sup> day of September 2015.

NORTHWESTERN ENERGY

By: \_\_\_\_\_

*John Alke*  
Sarah Norcott

John Alke

Al Brogan

Attorneys for NorthWestern Energy

Data Request	Brief description	Grounds
PSC-003	Energy Efficiency recognition	Relevance - does not deal with a contested issue
PSC-005	Adjustments to DSM programs	Relevance - does not deal with a contested issue
PSC-006	Adjustment to Lighting DSM programs	Relevance - does not deal with a contested issue
PSC-007	Details re: contracts entered after 2013 outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
PSC-010	Questions re: PPL contract	Relevance - does not deal with a contested issue
PSC-012	Tiber and Turnbull contracts - general questions	Relevance - does not deal with a contested issue
PSC-013d & e	Asks for details re: transactions from May 2013 RFP and November 2013 competitive solicitations	Relevance - does not deal with a contested issue
PSC-014	QF questions	Relevance - does not deal with a contested issue
PSC-015	DGGS - explain volatility in costs	Relevance - does not deal with a contested issue
PSC-016	Administrative costs in December 2013	Relevance - does not deal with a contested issue
PSC-017	Questions re: third party expenses	Relevance - does not deal with a contested issue
PSC-018	Variance in carrying costs	Relevance - does not deal with a contested issue
PSC-019	Variance in total delivered supply	Relevance - does not deal with a contested issue
PSC-020	Difference between actual output scheduled and metered output of CU4	Relevance - does not deal with a contested issue
PSC-021	Judith Gap expense	Relevance - does not deal with a contested issue
PSC-023	Details reconciling Bennett's numbers with lost revenues from Thomas	Relevance - does not deal with a contested issue
PSC-024	Explain difference in #s reported in different filings	Relevance - does not deal with a contested issue
PSC-025	Tracking of Spion Kop production tax credits	Relevance - does not deal with a contested issue
PSC-026	Benefits of serving load in Montana but scheduling in PCT	Relevance - does not deal with a contested issue
PSC-027	Intra-hour scheduling	Relevance - does not deal with a contested issue
PSC-028	Dispatching of Basin Creek and DGGS	Relevance - does not deal with a contested issue
PSC-029	Intra-hour transactions	Relevance - does not deal with a contested issue
PSC-030	DSM and USB advertising expenses - adjustment	Relevance - does not deal with a contested issue
PSC-041	Explain increase in transmission costs in April 2014	Relevance - does not deal with a contested issue
PSC-042	Spion Kop variable costs	Relevance - does not deal with a contested issue
PSC-043	DGGS - adjusting for fuel calculation	Relevance - does not deal with a contested issue
PSC-044	DGGS interruptible customer - transport constraints	Relevance - does not deal with a contested issue
PSC-046	DSM program and labor costs - requests specific breakdown	Relevance - does not deal with a contested issue
PSC-047	Ceased estimating for imbalance	Relevance - does not deal with a contested issue
PSC-049	Explain why costs were more than forecasted - Carrying & Total Delivered Supply	Relevance - does not deal with a contested issue
PSC-059	Interlaminar Insulation - state-of-the-art technology	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
PSC-060	Tests for interlaminar insulation	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
PSC-061	Description/definition of terms: air gap baffle and skid pan	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
PSC-062	Asked for three of Halpern's presentations on generator outages	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
PSC-070	Further clarification questions on PSC-041	Relevance - does not deal with a contested issue
PSC-071	Follow-up questions on PSC-042	Relevance - does not deal with a contested issue
PSC-072	Follow-up questions on PSC-043	Relevance - does not deal with a contested issue
PSC-075	Further questions on PSC-047	Relevance - does not deal with a contested issue

Data Request	Brief description	Grounds
MEIC-002	Emails discussing outage updates (progress of repair) prepared by PPL	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-003	Board materials, 10Qs, press releases re: outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-005	Markovich's calculations of replacement power	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-006	Emails re: actions taken to bring CU4 back online	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-007	Asked for all studies and calculations of replacement power	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-010	Asked whether NorthWestern agreed with Kavulla's statement	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-011	Asked about Commission's estimate of replacement power	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-012	Steps taken to restore CU4 after outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-013	Forecast when CU4 was to return to service; key repairs	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-016	Asked for documents re: discussion w/in NorthWestern to bring plant back online	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-017	Requested shift reports issued by PPL during outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-018	Replacement power costs - asked for detailed description of transactions	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-019	Asked to identify each hour the entire 111MW had to be replaced	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-020	Asked to identify each hour during the outage that customers benefited	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-021	Asked if NorthWestern increased generation from any other unit due to outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-022	Asked if NorthWestern submitted a property insurance claim	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-023	Asked whether NorthWestern agreed with Kavulla's statement	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-024	Asked for the variable, fixed, and fuel costs, capacity factor and MWh output for CU3	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-025	Asked for the variable, fixed, and fuel costs, capacity factor and MWh output for CU4	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-026	Asked for facts about other planned and unplanned outages at CU3 and 4	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-029	Engineering assessment or evaluation of CU4	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-030	Asked for long term assessment of operating CU4	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-041	Asked of modeling projections of CU4 output prior to the outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-042	Asked if CU4 variable cost include replacement power costs	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-043	Markovich's statements about benefits of outage on rates	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-048	Questions about author's of RCA and communication with them	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-049	Asked who paid the cost of the RCA	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-052	Asked follow up questions about modeling providing in response to MEIC-041	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-053	Asked to point out each instance in RCA where planned outage caused or contributed to forced outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-055	Asked for operating plan of mine	Relevance - does not deal with a contested issue
MEIC-057	Asked for generation statistics that covered the outage period (July 2013 to January 2014)	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-059	Asked for hour-by-hour comparison of replacement power costs	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-073	Asked Barnes when his calculation for Exhibit 2 was started and completed	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-074	Asked what date Barnes started analyzing outage insurance	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-079	Asked Halpern if he believes ultimately Siemens work caused outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-081	Asked Halpern if Siemens could have done anything to prevent outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-082	Asks whether core damage could have resulted without negligence	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-083	Asked Ward whether \$100 million outage in 2009 was not significant	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-084	Asked Ward's opinion whether a new unit would experience and outage similar to 2009 and have a forced outage rate of 19%	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-089	Asked for other testimony from Halpern re: Hunter Gibson outages; and type of generator involved in those outages	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-090	Asked Halpern when rotor insertion, skid pan insertion, and air gap baffles were installed during planned outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-091	Asked Halpern when he thought damage from skid pan occurred	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MEIC-092	Asked Ward re: other generator failures and cause	Relevance - does not prove or disprove a fact of consequence at issue in proceeding

Data Request	Brief description	Grounds
MCC-001	Asked for CREP proposals in 2012 RFP	Relevance - does not deal with a contested issue
MCC-002	Asked for a list of CREP eligible projects entered in since 2011	Relevance - does not deal with a contested issue
MCC-003	Asked if favorable market conditions for short term purchases mean long term purchases are also favorable	Relevance - does not deal with a contested issue
MCC-004	Asked for last four tracker years of off-system fixed price purchase transactions	Relevance - does not prove or disprove a fact of consequence at issue in proceeding as to already decided tracker years
MCC-005	Asked for last four tracker years of off-system sales at market prices to MCC-004	Relevance - does not prove or disprove a fact of consequence at issue in proceeding as to already decided tracker years
MCC-006	Asked for last four tracker years of all off-system fixed price sales	Relevance - does not prove or disprove a fact of consequence at issue in proceeding as to already decided tracker years
MCC-007	Asked for last four tracker years of all off-system fixed price purchases at market prices to MCC-006	Relevance - does not prove or disprove a fact of consequence at issue in proceeding as to already decided tracker years
MCC-009	Asked how practices have changed to improve physical procurement from hedging	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-010	Asked about purchases made in anticipation of PPL contract expiring in 2014	Relevance - does not deal with a contested issue
MCC-011	Asked about effect of CU4 outage on supply service in 2012/2013 tracker	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-012	Asked about purchases made during planned outage	Relevance - does not deal with a contested issue
MCC-013	Asked more specific questions about MCC-012	Relevance - does not deal with a contested issue
MCC-014	Asked for operation logs of CU4	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-016	Asked about documentation concerning cost of outage and responsibility for costs	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-017	Communication re: property damage claim and NorthWestern's share of the deductible	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-020	Asked for estimates on cost of repair and replacement power costs	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-021	Asked what NorthWestern believed if other owners have recovered costs	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-022	Asked how many of the 222 MW were needed on a daily basis to serve customers	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-023	Asked about NorthWestern's efforts to secure the lowest cost replacement power	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-024	Asked for a copy of the reciprocal sharing agreement and transactions enter with other owners during outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-025	Asked for all short term purchases during outage indicating if they were done because of outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-026	Asked for specifics regarding coverage of any property damage insurance that would cover the outage	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-027	Asked for copies of property insurance policies	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-029	Asked for details on specific 25 MW purchase for power during Dec 2012 to May 2014	Relevance - does not deal with a contested issue
MCC-030	Asked about USB annual budgets and expenditures	Relevance - does not deal with a contested issue
MCC-031	Asked about DSM programs and situations where based on average energy savings vs. engineering assessments	Relevance - does not deal with a contested issue
MCC-032	Asked for details on how % splits for residential vs. commercial DSM programs were derived	Relevance - does not deal with a contested issue
MCC-033	Asked about CFL residential lighting program and continued benefits	Relevance - does not deal with a contested issue
MCC-034	Asked for specific projects completed by each contractor during tracker period that provided DSM savings	Relevance - does not deal with a contested issue
MCC-035	Asked for specifics on how aMW savings were calculated for NEEA activities	Relevance - does not deal with a contested issue
MCC-036	Asked for adjustments NorthWestern has made or is making to its DSM programs	Relevance - does not deal with a contested issue
MCC-037	Asked about DSM activities need given current consumer conscious and whether that is considered in review	Relevance - does not deal with a contested issue
MCC-039	Asked for specific details regarding two line items in Bennett's 2013 exhibit - on system transactions	Relevance - does not deal with a contested issue
MCC-040	Asked for details on administrative expenses in Bennett's 2013 exhibit	Relevance - does not deal with a contested issue
MCC-041	Asked whether Bennett's number reflected scheduled maintenance for CU4 in May and June 2013	Relevance - does not deal with a contested issue
MCC-042	Asked why actual output of DGGs was substantial higher in one month	Relevance - does not deal with a contested issue
MCC-043	Asked why actual output of Spion Kop was lower in certain months	Relevance - does not deal with a contested issue
MCC-044	Asked for a list of entities that supply power under line in Bennett exhibit labeled Other Non-QF	Relevance - does not deal with a contested issue
MCC-045	Asked why Basin Creek output was less in 2012/2013 tracker	Relevance - does not deal with a contested issue
MCC-046	Asked why Basin Creek costs were more in November and May	Relevance - does not deal with a contested issue
MCC-047	Asked for details on transmission costs and why they were higher than forecasted	Relevance - does not deal with a contested issue
MCC-048	Asked for detailed explanation on DSM lost revenue figure	Relevance - does not deal with a contested issue
MCC-049	Asked for detailed explanation on DSM lost revenue figure	Relevance - does not deal with a contested issue
MCC-050	Asked for a monthly breakdown of DGGs fuel costs and credits	Relevance - does not deal with a contested issue
MCC-051	Asked for detailed explanation on DSM lost revenue figure	Relevance - does not deal with a contested issue
MCC-052	Asked for details re: economic dispatch of Basin Creek; results of operating protocol ordered by Commission	Relevance - does not deal with a contested issue
MCC-053	Whether 239 MW mentioned in Markovich testimony for potential RPS compliance included CREP resources	Relevance - does not deal with a contested issue
MCC-054	Asked for details re: the results of the May 2013 RFP	Relevance - does not deal with a contested issue
MCC-055	Asked to detail MWh from Basin Creek used during outage	Relevance - does not deal with a contested issue
MCC-056	Asked for more details on why CU4 outage was a benefit to customers and hourly MWhs that had to be replaced	Relevance - does not prove or disprove a fact of consequence at issue in proceeding

MCC-060	Increases in DSM program expenditures	Relevance - does not deal with a contested issue
MCC-062	Asked for details on how % splits for residential vs. commercial DSM programs were derived	Relevance - does not deal with a contested issue
MCC-063	Asked for specific projects completed by each contractor during tracker period that provided DSM savings	Relevance - does not deal with a contested issue
MCC-065	Asked for details on why spending for Commercial lighting program was less in February 2014	Relevance - does not deal with a contested issue
MCC-066	Asked for details on why spending for Commercial lighting program was much higher in March 2014	Relevance - does not deal with a contested issue
MCC-068	MWh and dollar values used to calculate lost revenues from 2004 to 2014 for T&D	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-069	MWh and dollar values used to calculate lost revenues from 2004 to 2014 for CU4	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-070	MWh and dollar values used to calculate lost revenues from 2012 to 2014 for DGG5	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-071	MWh and dollar values used to calculate lost revenues from 2013 to 2014 for Spion Kop	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-072	Asked for actual dollar amount collected from T&D revenues; provide justification for lost revenues of \$13.2m	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-073	Provide detail explanation why NorthWestern should collect lost revenues on CU4	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-074	Provide detail explanation why NorthWestern should collect lost revenues on DGG5	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-075	Asked why it is reasonable to include full output of CU4 despite outage and to provide monthly load factor for calculation of output	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-079	Asked for specific details regarding two line items in Bennett's 2014 exhibit - on system transactions	Relevance - does not deal with a contested issue
MCC-080	Asked specific questions about UMGF QF contract	Relevance - does not deal with a contested issue
MCC-081	Asked for details on administrative expenses in Bennett's 2014 exhibit	Relevance - does not deal with a contested issue
MCC-082	Asked why Basin Creek's output low but cost high compared to other months in tracker year 2013/2014	Relevance - does not deal with a contested issue
MCC-083	Asked why Basin Creek costs were more in November and May	Relevance - does not deal with a contested issue
MCC-084	Asked for details on competitive solicitations shown in November 2013 Bennett exhibit	Relevance - does not deal with a contested issue
MCC-085	Asked for details on transmission costs	Relevance - does not deal with a contested issue
MCC-086	Asked for detailed explanation on DSM lost revenue figure	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-088	Asked for updated table in Bennett's testimony for 2010/2011, 2011/2012 and 2012/2013 tracker years	Relevance - does not prove or disprove a fact of consequence at issue in proceeding as to already decided tracker years
MCC-093	Asked to provide more detail as to billing statistics	Relevance - does not deal with a contested issue
MCC-095	Explain why large rebate for irrigation class in summer months versus winter	Relevance - does not deal with a contested issue
MCC-101	Asked for details on fuel cost while CU4 was offline and how many MWhs are related to each monthly cost	Relevance - does not deal with a contested issue
MCC-102	Asked for detailed explanation on DSM lost revenue figure for CU4	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-104	Explain why large rebate for irrigation class in summer months versus winter	Relevance - does not deal with a contested issue
MCC-106	Explain DGG5 fuel adjustment estimate for May 2014	Relevance - does not deal with a contested issue
MCC-107	Explain why certain adjustment to DGG5 exhibits was not made in prior estimate	Relevance - does not deal with a contested issue
MCC-108	Provide a breakdown fuel cost credits for DGG5	Relevance - does not deal with a contested issue
MCC-110	Explain why large rebate for irrigation class in summer months versus winter	Relevance - does not deal with a contested issue
MCC-112	Asked for detailed explanation on DSM lost revenue figure in Spion Kop Bennett exhibit	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-115	Asks about transactions done with other owners during outage and summary of monthly power received under reciprocal sharing	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-116	Asks for an electronic copy of Attachment provided in response to MCC-055 (Basin Creek)	Relevance - does not deal with a contested issue
MCC-117	Asks for breakdown of NorthWestern's share of deductible and why	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-121	Follow up question to MEIC-019 re Basin Creek output and for electronic version of Attachment	Relevance - does not deal with a contested issue
MCC-122	Hedging statements made by Commission in prior electric tracker order; use of terminology	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-126	Sophistication of counterparties in hedging transaction	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-127	Counterparties have superior modeling skills	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-128	Asks about sophistication	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-129	Asks about superior modeling skills of counterparties	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-130	Calculation of replacement power using CU4 historical	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-132	Asks where Wilson says NorthWestern should first sue before seeking recovery	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-134	Asks whether the Commission has a statutory obligation to allow imprudently incurred costs	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-135	Asks whether the Commission has a statutory obligation to allow costs if NorthWestern has cause action but does not sue	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-136	Labor costs offset by replacement power costs - how does Commission ensure this happens	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-137	LRAM policy question	Relevance - does not prove or disprove a fact of consequence at issue in proceeding
MCC-139	Ask whether Siemens should have noticed core specific issues	Relevance - does not prove or disprove a fact of consequence at issue in proceeding

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of NorthWestern Energy's Objection to Introduction of Data Requests into Evidence in Docket Nos. D2013.5.33/D2014.5.46 has been hand delivered to the Montana Public Service Commission and to the Montana Consumer Counsel this date. It has been e-filed on the PSC website, emailed to counsel of record, and served on the most recent service list by mailing a copy thereof by first class mail, postage prepaid.

Date: September 25, 2015



Tracy Lowney Killoy  
Administrative Assistant  
Regulatory Affairs

Docket Nos.  
D2013.5.33/D2014.5.46  
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