Service Date: March 1, 2016

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

IN THE MATTER OF the Petition of Greycliff Wind Prime, LLC to Set Contract Terms and Conditions for a Qualifying Small Power Production Facility	))))	REGULATORY DIVISION DOCKET NO. D2015.8.64

NOTICE OF STAFF ACTION

On August 17, 2015, Greycliff Wind Prime, LLC ("Greycliff") filed with the Montana Public Service Commission ("Commission") a *Petition to Have Commission Set Contract Terms and Conditions Pursuant to MCA 69-3-603* ("Petition"). On August 20, 2015, the Commission issued a *Notice of Petition and Intervention Deadline*, with an intervention deadline of September 3, 2015. On September 4, 2015, Greycliff filed with the Commission a *Motion for Summary Judgment on the Legal Issue of Whether NorthWestern Energy has an Obligation to Negotiate in the Absence of All Source Competitive Solicitation Set Forth in ARM 38.5.1902(5)* ("Motion"). On September 9, 2015, the Commission granted intervention to the Montana Consumer Counsel ("MCC") and NorthWestern Energy ("NorthWestern"). On September 10, 2015, the Commission issued *Procedural Order 7436*.

On September 18, 2015, Greycliff filed the *Prefiled Direct Testimony of Robert Stanton Walker*. On September 21, 2015, the MCC filed a *Response of the Montana Consumer Counsel to Greycliff Wind Prime, LLC's Motion for Summary Judgment*. On September 22, 2015, NorthWestern filed its *Response Brief to Greycliff Wind Prime LLC's Motion for Summary Judgment*. On September 30, 2015, Greycliff filed its *Reply in Support of Motion for Summary Judgment Regarding Arguments of the Montana Consumer Counsel* and its *Reply in Support of Motion for Summary Judgment on the Legal Issue of Whether NorthWestern Energy has an Obligation to Negotiate in the Absence of the All Source Competitive Solicitation Set Forth in ARM 38.5.1902(5)*.

The Commission held an oral argument on November 4, 2015. On January 15, 2016, the Commission issued *Order No. 7436b*. In *Order No. 7436b* the Commission denied Greycliff's

Motion and directed NorthWestern and Greycliff to negotiate for at least thirty days "in an effort to mutually agree to contract terms and conditions, including an avoided cost rate, beginning on the service date of this Order". Or. 7436b ¶ 23 (Jan. 15, 2016). On February 16, 2016, Greycliff filed a *Joint Request of Greycliff Wind Prime, LLC and NorthWestern Energy for Two Additional Weeks to Conclude Negotiations*. The Commission granted Greycliff's motion on February 18, 2016, and extended the negotiation deadline to February 29, 2016. On February 26, 2016, Greycliff filed an *Equest for Two Additional Weeks to Conclude Negotiations* [sic]. Greycliff's request is hereby granted. Greycliff and NorthWestern will have until March 14, 2016 in which to conclude negotiations.

BY THE MONTANA PUBLIC SERVICE COMMISSION

BRAD JOHNSON, Chairman
TRAVIS KAVULLA, Vice Chairman
KIRK BUSHMAN, Commissioner
ROGER KOOPMAN, Commissioner
BOB LAKE, Commissioner