

Service Date: March 11, 2016

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

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

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)*. 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*. After Greycliff’s *Motion for Summary Judgment* was fully briefed, the Commission held an oral argument on November 4, 2015. On January 15, 2016, the Commission issued *Order No. 7463b*. In *Order No. 7463b* the Commission denied Greycliff’s *Motion for Summary Judgment* 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". Order No. 7463b ¶ 23 (Jan. 15, 2016).

On December 30, 2015, Greycliff filed a *Motion in Limine to Exclude Use of Powersimm Model Unless and Until it is Made Available for Free and On a Non-Discriminatory [sic] Basis and Response to NWE's Objections to Greycliff's and the Montana Public Service Commission's Data Requests* (Motion in Limine). On January 19, 2016, NorthWestern filed its *Response to*

Greycliff Wind Prime's Motion in Limine. On January 26, 2016, Greycliff filed its *Reply in Support of Motion in Limine* and NorthWestern filed a *Sur-Reply in Opposition to Greycliff Wind Prime's Motion in Limine* on February 8, 2016. Greycliff submitted a *Request for Oral Argument on its Motion in Limine* on February 10, 2016 and an *Amendment to Request* on February 11, 2016.

The Commission will hold an oral argument in regard to Greycliff's Motion in Limine on **Friday, March 25, 2016, at 9:00 a.m.** in the Commission's Bollinger Room, 1701 Prospect Avenue, Helena, Montana.

Anyone needing an accommodation for a physical, hearing, or sight impairment in order to attend or participate should contact the Commission at (406) 444-6199 at least one week before the date of the meeting. The Commission will make every effort to accommodate individual impairments.

BY THE MONTANA PUBLIC SERVICE COMMISSION

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