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Attorneys for Intervenor Cypress Creek Renewables.

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

In the Matter of the Application of
NorthWestern Energy for Interim and Final
Approval of Revised Tariff QF-1

UTILITY DIVISION
DOCKET NO. D2016.5.39

CYPRESS CREEK RENEWABLES PETITION TO INTERVENE

I. INTRODUCTION.

Cypress Creek Renewables, LLC (“Cypress Creek”), acting by and through its undersigned counsel, hereby petitions the Montana Public Service Commission (hereinafter “Commission”) for general intervention in the above-captioned matter. The basis for Cypress Creek’s intervention is that it is a renewable energy development that partners with local communities and utilities to provide widespread access to affordable, clean energy by developing, building, owning and operating utility-scale solar photovoltaic (“PV”) generating facilities. Cypress Creek is developing several solar projects in Montana and has expended significant financial and administrative resources in the state. All told, Cypress Creek has invested about \$770,000 in developing its Montana projects.

Cypress Creek now has eleven Montana projects which are in the advanced stages of development and actively pursuing interconnection. Seven projects have fully executed

Interconnection Agreements, two have completed Facilities Studies and have requested Interconnection Agreements, and two others have nearly completed facilities studies. Of these eleven projects, all are 3 MW or less in nameplate capacity and are thus eligible for standard QF-1 rates. Five of these projects have fully-executed PPAs with NorthWestern Energy (“NWE”), four have PPAs that have been partially executed and await only NWE’s signature, and two have requested PPAs informing NWE’s Supply Department of their intention to sell power to the utility. These latter two projects are Chester Solar, LLC and Portage Solar, LLC projects. Cypress Creek, acting on behalf of Chester Solar, LLC and Portage Solar, LLC, sent full packages of data to NWE and also sent to NWE executed copies of drafts that are based on previously approved formats. To date, Cypress Creek has not received confirmation from NWE that the terms are acceptable, although NWE has acknowledged receipt of the information and agreements from Cypress Creek.

As a result of Cypress Creek’s extensive and continued involvement in the development of these 3 MW facilities in Montana, NWE’s requests for interim and final approval and emergency suspension of its obligations under Section 210 of the Public Utility Regulatory Policies Act of 1978 (“PURPA”), 16 U.S.C. § 824-a3, *et seq.*, with respect to new solar qualifying facilities with an nameplate capacities greater than 100 kilowatts (“kW”) may substantially affect and potentially damage Cypress Creek’s reasonable investment backed expectations in the State of Montana.

II SERVICE.

Please send all documents related to this matter to CYPRESS CREEK’s counsel as follows:

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Please send all documents related to this matter to Cypress Creek as follows:

Chris Norqual
Cypress Creek Renewables
3250 Ocean Park Blvd.
Suite 355
Santa Monica, CA 90405
Phone: (213) 347-9377
Email: norqual@ccrenew.com

III. ISSUES.

The approval of NWE's proposed requests for interim and final approval of its revised QF-1 tariff as well as its proposal to immediately suspend its obligations under Section 210 of PURPA to purchase energy and capacity from solar qualifying facilities with a nameplate capacity of greater than 100 kW may prevent some or all of Cypress Creek's projects from commercial operation and jeopardize Cypress Creek's already substantial investment in its solar projects. Although Cypress Creek acknowledges that NWE has accepted 9 of its projects, to date it appears that NWE may not have included Chester Solar, LLC and Portage Solar, LLC in the 135 MW of less than 3 MW than NWE has publicly stated will be included in its portfolio and which NWE intends to purchase energy and capacity.

IV. POSITIONS.

As noted in Cypress Creek's comments previously filed in this Docket, Cypress Creek does not yet know with certainty the position it may take in this Docket. Cypress Creek believes NWE has committed to executing PPAs with Cypress Creek for 9 projects (and other similarly situated projects under development by other parties) based on the current QF-1 tariff. Based on this commitment by NWE, Cypress Creek did not oppose NWE's request for emergency relief with respect to solar projects not yet in the interconnection process or not specifically identified

by NWE's Supply Department prior to the Commission's ruling on the Motion. However, Cypress Creek believes that its Chester Solar, LLC and Portage Solar, LLC projects were not included among the projects which NWE has committed to executing contracts, at least as of this writing. Cypress Creek believes that NWE committed that it would execute agreements with solar projects with an installed capacity of 3 MW or under if these projects were in the Interconnection process and had been specifically identified by NWE's Supply Department. Cypress Creek believes its Chester Solar, LLC and Portage Solar, LLC projects would qualify for PPAs given the relatively advanced stage that both are in with respect to the Interconnection process, and that both have tendered packages and PPAs to NWE

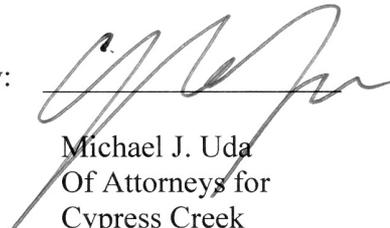
V. CONCLUSION.

For the above-stated reasons, Cypress Creek respectfully requests general intervenor status in this docket.

RESPECTFULLY SUBMITTED this 10th day of June, 2016.

Uda Law Firm, P.C.

By:



Michael J. Uda
Of Attorneys for
Cypress Creek
Renewables, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, postage prepaid via first class U.S. mail on this 10th day of June, 2016, upon the following:

The foregoing was e-filed and the original was hand-delivered to the following:

Public Service Commission
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P.O. Box 202601
Helena, MT 59620-2601

Montana Consumer Counsel
111 N Last Chance Gulch,
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Helena, MT 59601

Northwestern Energy
208 N Montana Avenue
Suite 205
Helena, MT 59601

By:



Jackie Haskins, Legal Assistant
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