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

IN THE MATTER OF NorthWestern Energy's
Application for Interim and Final Approval of
Revised Tariff No. QF-1, Qualifying Facility
Power Purchase

Regulatory Division

Docket No. D2016.5.39

**PACIFIC NORTHWEST SOLAR, LLC'S
REQUEST FOR LATE INTERVENTION**

Pacific Northwest Solar, LLC ("PNW") hereby requests that the Montana Public Service Commission ("Commission") permit PNW to intervene in this docket as an interested party.

The Commission asked that all interested parties intervene in the docket by June 10, 2016; however, at that time it was PNW's understanding that it would not need to play a role in the underlying docket inasmuch as NorthWestern Energy ("NWE") conceded to the Commission that PNW had already established a legally enforceable obligation as to its twenty-one (21) power purchase agreements ("PPAs") for ongoing projects under development in NWE's service territory in Montana. After the Commission issued its Order on NWE's Emergency Motion, it became clear that PNW should be a part of the docket as it is directly affected by the Commission's Orders thereon and could lend a valuable voice to the Commission in these proceedings. Therefore, PNW now seeks to intervene in this matter.

Although the deadline to file a request for intervention has passed, such a date was not jurisdictional nor has a full hearing been set (the only "hearing" was on NWE's Emergency

Motion). This Commission can use its express and implied powers to permit the late intervention as a matter of general procedure. Furthermore, ARM 38.2.2403 permits late intervention where good cause is shown. PNW has demonstrated good cause to allow a late intervention as there will be no change to the procedural status of the matter, no prejudice to any party already having intervened, and the inclusion of a key player in the underlying disputes will be beneficial to the Commission. Furthermore, PNW relied upon NWE's representation that it had achieved a legally enforceable obligation as to the PPAs for its projects and thus there would be no need to be a part of the underlying docket. It was only after the Commission ruled that it became abundantly clear that PNW would need to intervene and PNW promptly thereafter sought out local counsel to achieve the same. Thus, good cause to intervene late has been shown. Similarly, pursuant to ARM 38.2.305, for good cause showing, the Commission can waive any rule not otherwise prohibited by statute. As there is no prohibition on late intervention, PNW would respectfully request that the Commission permit it to now intervene in this docket.

I. PETITION TO INTERVENE

PNW hereby petitions the Commission for general intervention in this matter pursuant to ARM 38.2.2401 and 38.2.2403. As described below, general intervention should be granted because PNW has a direct and substantial interest in this proceeding and PNW's intervention will not broaden the issues beyond those raised by the application and applicable law.

PNW is a utility-scale solar developer headquartered in Portland, Oregon, and authorized to conduct business in Montana. PNW has a long history of supporting and developing projects that bring good, clean, renewable power to communities across the United States at reasonable avoided costs. In Montana in particular, PNW has twenty-one (21) projects currently under development – indeed, PNW has committed hundreds of thousands of dollars to developing these projects and bringing them to fruition, which will inure to the benefit of NWE's ratepayers. All of the projects that PNW is developing in Montana are pursuant to the Commission's Schedule QF-1 Tariff (the very subject of this docket). As the docket centers on the QF-1 Tariff and

implicates every single one of the projects PNW has under development in Montana, it is clear that PNW has a direct and substantial interest in the proceeding (thus satisfying ARM 38.2.2403).

II. SERVICE

Please send all documents related to this matter to both of the following:

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III. ISSUES

The approval of NWE's proposed requests for interim and final approval of its revised QF-1 tariff as well as this Commission's approval of NWE's emergency request to suspend its obligations under Section 210 of PURA to purchase energy and capacity from solar qualifying facilities with a nameplate capacity of greater than 100 kw may prevent some or all of PNW's projects from commercial operation and jeopardize PNW's already substantial investment in its solar projects throughout NWE's Montana service territory.

IV. POSITIONS

PNW believes that NWE has already created a legally enforceable obligation relative to the power purchase agreements ("PPAs") of PNW's twenty-one (21) projects in its service territory in Montana. PNW sought its PPAs and even committed to the terms of the PPAs well before NWE even filed its Emergency Motion. PNW has been pursuing interconnection agreements as well, and has recently been harmed by NWE's unilateral rescission of the small

generator interconnection procedures by refusing to agree to execute interconnection agreements and/or at least agree to stay all procedures until this Commission resolved any purported ambiguity in the underlying Order on the Emergency Motion (whereby NWE believes it halts interconnection).

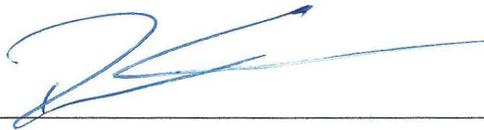
To the extent that there is yet a legally enforceable obligation relative to its sought-after PPAs, PNW believes that NWE is improperly adjusting the approach and analysis to be used in determining the appropriate avoid cost rate schedule and is attempting to cash-in on historic and unsupportable low prices in natural gas, despite the fact that this Commission has always sought to create fair and reasonable predictions of future energy prices (thereby eliminating the spikes and valleys of short term pricing) – indeed, this Commission did that very thing in approving the most current avoided costs (in a heavily contested fashion) just over a year ago.

Finally, PNW incorporates by reference all of its comments already submitted to the Commission in this docket to the extent they inform the Commission of its positions on the present matters under consideration.

V. CONCLUSION

For those reasons herein stated, PNW hereby respectfully requests general intervenor status in this docket.

Respectfully submitted on August 19, 2016



Ryan R. Shaffer

Local Counsel for Pacific Northwest Solar, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, postage pre-paid via first class U.S. mail on this 19th day of August, 2016 upon the following:

See attached service list

Additionally, the foregoing was e-filed and the original was hand delivered to:

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Docket No. D2016.5.39

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