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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)	REGULATORY DIVISION
Revised Tariff No. QF-1,)	DOCKET NO. D2016.5.39
Qualifying Facility Power Purchase)	

DATA REQUESTS FLS-001 TO FLS-008 OF FLS ENERGY, INC.

FLS Energy, Inc. ("FLS"), by and through its legal counsel, hereby submits its data requests 001 through 008 to NorthWestern Energy.

FLS-001

Regarding: Follow-up to PSC-004
Witness: Mueller

In its responses to PSC-004, NorthWestern states that all interconnection customers "who were affected by the stay" of the QF-1 tariff were notified by email that NorthWestern could not execute an Interconnection Agreement for them.

- a. How did NorthWestern's transmission department identify which customers would be affected by the stay?
- b. Please provide all internal documents reflecting NorthWestern's internal communications regarding the transmission department's identification of customers affected by the stay.

FLS-002

Regarding: Follow-up to PC-004
Witness: Mueller

With regard to interconnection requests submitted by FLS, is it NorthWestern's position that it notified FLS, pursuant to Section 4.1 of the SGIP, of its inability to meet deadlines specified in its Small Generator Interconnection Procedures, including but not limited to the obligation to tender an executable Interconnection Agreement under SGIP Section 3.5.7?

- a. If so, please provide all documentation reflecting notification provided to FLS pursuant to Section 4.1.
- b. If so, was any such notification provided prior to issuance of the Notice of Commission Action ("NOCA") on June 16, 2016?
- c. If not, please explain NorthWestern's rationale for not providing this notification.

FLS-003

Regarding: Interconnection agreements
Witness: Mueller

Please provide all documents reflecting communications between NorthWestern and interconnection customers concerning the issuance (or refusal to issue) interconnection agreements, occurring on or after June 16, 2016.

FLS-004

Regarding: Interconnection agreements
Witness: Mueller

Has NorthWestern communicated with any employee or agent of the Montana Public Service Commission, including but not limited to the Public Staff, regarding NorthWestern's obligation and/or legal authority to issue Interconnection Agreements to Qualifying Facilities ("QFs") after issuance of the NOCA? If so, please provide all documents reflecting such communications.

FLS-005

Regarding: Interconnection agreements
Witness: Mueller

Has NorthWestern tendered any executable Interconnection Agreements to solar qualifying facilities since June 16, 2016? If so, please identify the project(s) for which those agreements were tendered, the owner(s) of those projects, and the date(s) on which those executable agreements were tendered.

FLS-006

Regarding: Interconnection agreements
Witness: Mueller

Has NorthWestern issued any executable Interconnection Agreements to non-solar qualifying facilities since June 16, 2016? If so, please identify the project(s) for which those agreements were tendered, the owner(s) of those projects, and the date(s) on which those executable agreements were tendered.

FLS-007

Regarding: Interconnection agreements
Witness: Mueller

Has NorthWestern issued any executable Interconnection Agreements to non-QF generating facilities since June 16, 2016? If so, please identify the project(s) for which those agreements were tendered, the owner(s) of those projects, and the date(s) on which those executable agreements were tendered.

FLS-008

Regarding: Interconnection procedures
Witness: Mueller

When an interconnection customer fails to meet any of the deadlines specified in the SGIP, is it NorthWestern's position that such failure justifies removal of the project from the interconnection queue?

If so:

- a. Please specify the provision(s) of the SGIP on which this position is based.
- b. Is it NorthWestern's position that an interconnection customer is not entitled to an opportunity to cure its failure to meet any deadline specified in the SGIP?
- c. Is it NorthWestern's practice to provide advance notice to an interconnection customer that has failed to meet a deadline specified in the SGIP, prior to removing the customer's project from the interconnection queue?

FLS-009

Regarding: Power purchase agreements
Witness: NorthWestern Legal Department

At the June 9, 2016, hearing on NorthWestern's Motion for Emergency Relief, Mr. Alke stated NorthWestern's position that in the absence of an order suspending the QF-1 tariff, NorthWestern was "obligated to enter into" power purchase agreements ("PPAs") with FLS as to which the parties had "reach[ed] agreement on the language of the PPA[.]"

(June 9, 2016 hearing transcript at 58:11-24.) Please state the factual and/or legal basis for this position.

FLS-010

Regarding: Power purchase agreements
Witness: NorthWestern Legal Department

Is it NorthWestern's position that the test for a legally enforceable obligation ("LEO") articulated by the Commission in *Whitehall Wind*, Order No. 6444e, Dkt. D2002.8.100 (May 10, 2010) applies (or applied, prior to the suspension of the QF-1 tariff) to qualifying facilities seeking contracts under the QF-1 tariff? Please state the basis for this position.

- a. Has NorthWestern, or any agent or employee thereof, ever communicated to a qualifying facility (or agent or employee thereof) that the *Whitehall Wind* test does not determine when a QF contracting under QF-1 rates establishes an LEO?
- b. Has NorthWestern's position on this issue changed since issuance of the *Whitehall Wind* order? If so, what was the basis for NorthWestern's change(s) in position?

FLS-011

Regarding: Contract negotiations
Witness: Bushnell

Please identify all projects for which FLS had tendered an executed PPA to NorthWestern on or before June 16, 2016.

- a. Of the projects referenced above, please identify those for which FLS had communicated to NorthWestern, on or before June 16, 2016, FLS's intention to enter into an Interconnection Agreement.
- b. If it is NorthWestern's position, with respect to any of the projects referenced above, that FLS had not communicated, on or before June 16, 2016, its intention to enter into an Interconnection Agreement with NorthWestern, please state the factual and legal basis for this position.
- c. Is it NorthWestern's position that FLS did not commit to selling the output of the projects referenced above to NorthWestern, on or before June 16, 2016? If so, please state the factual and legal basis for this position.

FLS-012

Regarding: Interconnection queue
Witness: Mueller

In prefiled direct testimony, Ms. Mueller states that at the time of her testimony, there were 43 active interconnection requests for solar projects 3 MW or less currently pending in NorthWestern's interconnection queue.

- a. Of those 43 requests, how many are still pending in the interconnection queue? How much capacity do these still-pending requests represent?
- b. Since the time of Ms. Mueller's testimony, how many additional interconnection requests for generating facilities has NorthWestern received? For each such request, please specify the date of the request, the generating capacity of the proposed facility, and type of generation (i.e., solar, hydro, natural gas) for the proposed facility.

FLS-013

Regarding: Interconnection queue
Witness: Mueller

In prefiled direct testimony, Ms. Mueller references "75 projects that have been issued pre-application reports" and "20 requests from [a] new developer." How many of the projects referenced in this testimony have submitted interconnection requests? How many projects have been withdrawn by the developer or rejected by NorthWestern?

FLS-014

Regarding: Contract negotiations
Witness: Bushnell

How many executable PPAs for solar projects 3 MW or less were tendered to NorthWestern by QFs between May 17, 2016 and June 16, 2016? Please specify the date on which each PPA was tendered to NorthWestern; the other contracting party; and, if applicable, the date on which NorthWestern executed the PPA.

CERTIFICATE OF SERVICE

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 9th day of September, 2016. The foregoing was e-filed and the original hand-delivered to the MPSC.

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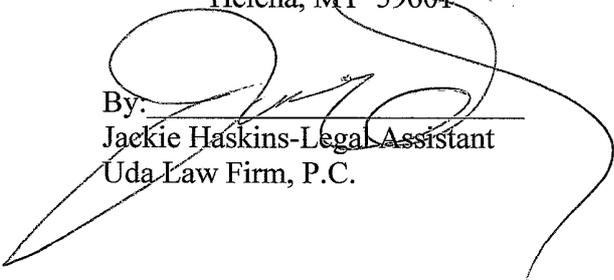
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