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**COMMISSION STATEMENT ON
MONTANA SUPREME COURT DECISION
IN *MTSUN v. MONTANA DEPARTMENT
OF PUBLIC SERVICE REGULATION***

HELENA, Montana — The Montana Public Service Commission today issued the following statement on the Montana Supreme Court’s decision in *MTSUN v. Montana Department of Public Service Regulation* (2020 MT 238).

Once again, the Montana Supreme Court has reversed a Commission decision that was designed to protect ratepayers. This time, ratepayers will shoulder a \$47 million burden due to the Court’s decision. The Commission disagrees with the Court’s decision.

The Commission and the Court had different interpretations of the record in this case. The Court’s opinion tells the story of a utility company that drug its feet in negotiating with a solar energy developer. The Commission, however, saw a developer who was making increasingly unreasonable demands of the utility—demands that would translate in to higher energy bills for households across Montana. While the Court’s opinion discusses at length how the utility and the developer were close on several points of their negotiated deal, it glosses over the fact that they were actually moving further apart on one point—capacity contribution—that was essential to a deal.

PURPA already imposes substantial obligations on utilities and their ratepayers, for the benefit of qualifying energy producers. The MTSUN decision further tilts the scales in favor of producers. To make matters worse, the MTSUN decision deprives the Commission of tools it has historically used to strike an equitable balance of the interests of developers, utilities, and ratepayers.

The Commission regulates private investor-owned natural gas, electric, telephone, water, and sewer companies, certain motor carriers, and oversees natural gas pipeline safety and intrastate railroad safety. The Commission works to ensure that Montanans receive safe and

reliable service from regulated public utilities while paying reasonable rates. For more information, visit psc.mt.gov or contact the Commission at 1-800-646-6150. Follow the Commission at [Twitter.com/@MT_PSC](https://twitter.com/MT_PSC) or visit [Facebook.com/MontanaPSC](https://facebook.com/MontanaPSC). Commissioners may be contacted individually for additional perspective.

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