MINUTES LOG
May 19, 2021
State Capitol, Room 102
Zoom Videoconference

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Montana Consumer Counsel at 406-444-2771 for more information.

COMMITTEE MEMBERS PRESENT

Representative Mike Hopkins, Chair
Representative Mary Ann Dunwell Vice Chair
Senator Brad Molnar
Senator Christopher Pope

MONTANA CONSUMER COUNSEL STAFF PRESENT

Jason Brown, Acting Consumer Counsel
Paul Schulz, Rate Analyst
Jaime Stamatson, Economist
Suzanne Snow, Secretary
AGENDA

CALL TO ORDER
13:05:40 Representative Hopkins called the meeting to order with roll call.

SELECTION OF COMMITTEE CHAIR AND VICE-CHAIR
13:07:00 CHAIR
MOTION: Representative Dunwell nominated Representative Hopkins for Chair of the Consumer Counsel Committee.
VOTE: Without objection, Representative Hopkins was approved as Chair.

13:08:20 VICE-CHAIR
MOTION: Senator Pope nominated Representative Mary Ann Dunwell for Vice-Chair of the Consumer Counsel Committee.
VOTE: Without objection, Representative Dunwell was approved as Vice-Chair.

OVERVIEW OF THE DUTIES OF THE COMMITTEE AND INTRODUCTIONS
13:09:20 Chair Hopkins gave a brief overview of the role and responsibilities of the Committee.
13:13:12 Chair Hopkins lead the introductions from the members of the Committee, and Consumer Counsel staff.

APPROVAL OF MINUTES OF PREVIOUS MEETING – November 10, 2020
13:20:33 MOTION: Vice-Chair Dunwell moved acceptance of the minutes.
VOTE: Without objection, the minutes were unanimously approved.
Jason Brown highlighted the cases that have seen some change in status since the Committee’s last meeting. (Attachment 4)


13:25:51 NWE – 2020.08.091 – Annual Power Costs and Credits Adjustment Mechanism

Committee Discussion:
13:27:12 Vice-Chair Dunwell asked for clarification on the terminology 90/10 sharing and the breakdown for shareholders and consumers.

13:29:36 NWE – 2021.02.022 - Application for Approval to Acquire Capacity Resources

Committee Discussion:
13:32:24 Senator Pope inquired as to whether this application for capacity resource acquisition was the result of an RFP, and whether the context on which a certain project might have been chosen versus other projects will come out in the docket.

13:34:20 Senator Pope expressed his hope that the committee would discuss the docket as it progresses in future meetings.

13:35:20 Chair Hopkins responded to Senator Pope, that this docket will be a topic for future meetings of the committee.

13:36:07 Senator Molnar inquired if it would create a conflict with his role on the committee if he became a public intervenor in this case.

13:39:09 Chair Hopkins clarified for those who might be listening online, or who might view the meeting after the fact, that when it comes to conflicts, all that is asked of legislators when they are interacting or legislating on a topic that they are also involved with outside of legislature is that they announce the conflict; then it is the individual legislator’s personal decision on whether they vote or abstain on the matter before them.

13:40:34 Vice Chair Dunwell noted that the Legislative Consumer Committee is advisory only, with no directive power over the Consumer Counsel in legal matters before the PSC.


Committee Discussion:
13:45:06 Senator Pope stated it was his understanding that a bill passed in the Legislature, and signed by the Governor, would have prohibited the consideration of avoided costs.

Apex Solar, LLC v. PSC – Petition for Judicial Review, Cause No. ADV 2020 1927
First Judicial District Court

13:49:00 NWE –2019.06.034 – Petition of Caithness Beaver Creek, LLC, to Set Terms and Conditions for Qualifying Facility
Caithness Beaver Creek, LLC v. PSC - Petition for Judicial Review, Cause No. CDV-2020-290, First Judicial District Court
Committee Discussion:
13:52:05 Senator Pope inquired if the MCC and Committee would discuss the issue of the competitiveness of any the technologies in these various QF dockets in future meetings.

13:56:03 South Dry Creek – 2020.12.125 – Petition of South Dry Creek Partnership for Declaratory Ruling

Committee Discussion:
13:58:12 Vice Chair Dunwell inquired whether repealing the renewable energy standard is something the MCC would act on for the benefit of ratepayers.

14:00:37 Senator Molnar addressed Vice Chair Dunwell’s concerns regarding the repeal of the renewable energy standard, noting that the renewable portfolio had a set goal of obtaining 15-percent renewable energy. The standard was repealed as the 15-percent goal had been achieved.

Committee Discussion:
14:03:52 Senator Pope asked Mr. Brown to describe the difference in how the gas versus the residential rates are calculated.

14:04:42 Chair Hopkins responded to Senator Pope, noting that the committee would look to its next meeting for a deep dive into how the rates are calculated.
Committee Discussion
14:12:24 Senator Pope asked if the committee would get more details about the issues that might drive the costs up or down.

Committee Discussion
14:27:42 Vice Chair Dunwell inquired as to why the cost of water and service varied from company to company.

Committee Discussion
14:31:47 Vice Chair Dunwell inquired as to what the residents of North Star were paying for water.

14:32:48 Vice Chair Dunwell inquired if there had been any water outages since the last time the committee met.

Committee Discussion
14:34:16 General Committee discussion on small water cases.

Committee Discussion

Committee Discussion
14:40:28 AquaFlo – 2020.10.100 – Application to Increase Water and Sewer Rates
At the request of the Chair, Jason Brown gave a brief synopsis of legislation from the 2021 Session on the following bills:

- HB 85 - Revising utility cost tracking and recovery laws.
- HB606 - Requiring opt-in for advanced meter installation.
- SB201 - Revise avoided cost rate-making.
- SB237 - Revise community renewable energy project requirements.
- SJ33 - Interim study of Montana electric grid capacity.

PUBLIC COMMENT

No Public Comment was taken at this time.

FINANCIAL REPORT

Jason Brown presented a brief overview of the current budget report, dated May 13, 2021, and noted that he had no concerns with the budget as presented.

Chair Hopkins inquired as to whether there would be any concerns with the Other Services budget (62100) if the four requests for retaining consultant services were approved.

Jason Brown responded to the Chair that these contracts would be managed within the MCC budget.

CONTRACTED SERVICES

Jason requested authorization from the committee to retain the services of the following consultants:

- 2021.01.15 – Energy West Montana and Cut Bank Gas Company – Application to Approve Sale & Transfer
  - George L. Donkin, LLC - George Donkin

- 2021.04.47 – NorthWestern Energy – Application to Update PCCAM Base Power Costs & Credits
  - Acadian Consulting – David Dismukes
Committee Discussion:

14:57:31 Senator Molnar inquired if docket 2021.01.015, Energy West & Cut Bank Gas, would be complex, or challenging enough that the MCC would need an advisor.

14:59:24 Senator Molnar inquired as to why there would be a need for two consultants in the NorthWestern acquisition docket 2021.02.022.

15:00:46 Vice Chair Dunwell inquired as to how many attorneys NorthWestern would have on a case like the capacity resources.

15:02:41 Chair Hopkins made a motion to approve all four requests for retention of consultant services before the committee and moved the Committee into discussion on that motion.

15:03:17 Senator Pope asked Jason Brown to describe the process on the hiring of consultants.

15:07:05 MOTION: Chair Hopkins moved to approve the retention of the consultants as per the request made by the Consumer Counsel.

VOTE: The motion passed unanimously on a voice vote

No public comment was taken at this time.

PERSONNEL MATTERS

15:07:52 MOTION: Chair Hopkins moved to approve the appointment of Jason Brown as the Acting Consumer Counsel

15:08:20 Committee Discussion

VOTE: Given testimony, there being no objection, the motion passed unanimously.

Chair Hopkins noted, without objection, that he would skip the public comment at this time and asked if committee members had anything else for the good of the committee.

Vice-Chair Dunwell expressed her gratitude to Mr. Bob Nelson for his 32 plus years as the Montana Consumer Counsel. She thanked him for his service, and wished him well in his retirement. Chair Hopkins seconded those sentiments.

Senator Molnar asked for clarification about talking to majority leadership before the vote on the hire of the Consumer Counsel.
Chair Hopkins responded to Senator Molnar, noting that the reason for the specific wording of the motion was that it gave an opportunity for both the majority and minority to have conversations, if there are any conversations to be had, so the committee could finish up work at the next meeting.

Vice Chair Dunwell inquired if the Committee should grant the Consumer Counsel emergency authority to hire consultants in the event the committee cannot meet once a quarter.

Chair Hopkins responded to Vice-Chair Dunwell by stating that the Committee would be back to regular order, and that the committee can call itself into a meeting to handle any unexpected matters.

Senator Pope complimented the Chair on a well-run meeting.

**NEXT MEETING**

The next meeting would be set at a later date.

**PUBLIC COMMENT**

No additional public comment was offered at this time.

**ADJOURNMENT**

There being no other matters before the Committee the Chair adjourned the meeting.