

Montana Consumer Counsel

STATUS OF CASES

June 8, 2023

NORTHWESTERN ENERGY (“NWE”)

NWE Application to Increase Retail Electric and Natural Gas Utility Service Rates, Docket [2022.07.078](#), filed 8/8/22.

NWE requests:

- an increase of \$170,953,381 or 22.4% for electric services, resulting in a typical monthly residential bill increase of \$22.76 or 25.6%;
 - an increase of \$22,992,291 or 14.8% for gas services, resulting in a typical monthly residential bill increase of \$7.57 or 11.1%;
 - a return on equity of 10.6% for both electric and gas;
 - creation of a “Reliability Rider” to track and recover costs for new electric assets as of their in-service date (including the Yellowstone County Generating Station);
 - a redesigned PCCAM with annual adjustments to the PCCAM Base (*see* Docket 2021.04.047), no cost sharing for capacity contracts, and monthly supply rate adjustments;
 - a redesigned decoupling mechanism for transmission, distribution, and fixed generation costs applicable to all customer classes;
 - an update to the step-down ratemaking treatment for its natural gas production assets;
 - escalating revenue requirements for business technology and wildfire mitigation programs;
 - continued retail rate crediting of wholesale revenues;
 - approval to record regulatory assets for Sleepy Hollow and natural gas acquisitions under \$3 million;
 - approval to capitalize demand-side management costs and record an associated regulatory asset;
 - approval of NWE’s proposed depreciation rates, class allocations, rate design, and tariff revisions; and
 - waiver of certain rules and regulations.
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- *Notice of Application and Intervention Deadline* issued 8/12/22.
 - *MCC Petition for Intervention* filed 8/25/22; granted 9/13/22.
 - *Procedural Order 7860b* issued 9/14/22; hearing set 4/10/23.
 - *Interim Order 7860c* issued 9/28/22 granting a \$29,356,124 increase for electric service and \$1,727,788 increase for gas service effective 10/1/22 and spread evenly on a percentage basis across all customer classes.
 - On-site audit on 10/11/22 – 10/13/22.

- *MCC Direct Testimonies of [Ralph C. Smith](#), [David J. Garrett](#), [David E. Dismukes](#) and [George L. Donkin](#) filed 12/19/22*, recommending a revenue increase on the electric side of \$66,703,068 and an increase on the gas side of \$6,657,629 based on a recommended ROE for both electric and gas of 9.0%; recommending rejection of the Reliability Rider and the proposed adjustments to the PCCAM; recommending cancelling the FCRM pilot and denying the Wildfire Mitigation and Business Technology rider proposals; proposing an alternative jurisdictional cost of service methodology and credit; recommending that DSM costs continue to be recovered through the PCCAM subject to sharing.
- *Amended Procedural Order 7860q issued 1/30/23*; hearing set 4/11/23.
- *MCC Cross-Intervenor Testimony of David E. Dismukes filed 3/6/23*, recommending adoption of the Company's ECOSSE, recommending against a minimum system study or zero-intercept study for the next NWE rate case; . A Regulatory Stakeholder Process as proposed by NRDC should not be established. Complicated regulatory issues should be decided through an evidentiary process in front of the Commission.
- *Notice of Public Hearing issued 3/24/23*.
- *Joint Motion to Approve Settlement and Stipulation and Settlement Agreement filed 4/3/23*; electric revenue increase of \$81,906,631 and gas increase of \$18,210,987; ROE of 9.65% for electric and 9.55% for gas; no Reliability Rider; NWE may request a one-time base PCCAM update and prudence review to recover O&M expenses for YCGS after it is placed into service; any capital cost recovery will be addressed in the next general rate case; additional wildfire mitigation cost may be deferred up to certain amounts for recovery in next rate case; no business technology rider; FCRM is cancelled; no regulatory asset for DSM costs, which will continue to be recovered through the PCCAM; no acquisition premium for Sleepy Hollow; NWE will file a comprehensive JCOSS in its next rate case; Exhibit C to Stipulation filed 4/5/23; Exhibit D to Stipulation filed 4/7/23.

NWE Annual PCCAM Filing, Docket [2022.09.083](#), filed 8/31/22.

Through this annual filing NWE tracks incremental electric supply power costs. It calculates a net deferred under-collection of \$52,833,327 to be amortized over 12 months ending 9/30/23. Together with other smaller adjustments (e.g., QFs and DSM costs), NWE calculates a typical monthly residential bill increase of \$4.15 or 4.6%.

- *Notice of Application and Intervention Deadline* issued 9/8/22.
- *MCC Petition for Intervention* filed 9/23/22; granted 9/29/22.
- *Procedural Order 7868* issued 10/5/22 (testimony was due 12/2/22).
- *NWE Motion for Final Order* filed 12/22/22.
- *Default Order 7868a* issued 1/13/23.

NWE Gas Tracker, Docket [2021.07.098](#).

- August gas tracker filed 7/15/21.

- Gas supply rate increase from \$3.26 to \$3.49.
 - Residential Rate from \$7.32 to \$7.55.
- September gas tracker filed 8/16/21.
 - Gas supply rate increase from \$3.49 to \$3.78.
 - Residential Rate from \$7.55 to \$7.83.
- October gas tracker filed 9/15/21.
 - Gas supply rate increase from \$3.78 to \$4.33.
 - Residential Rate from \$7.83 to \$8.39.
- November gas tracker filed 10/15/21.
 - Gas supply rate increase from \$4.33 to \$4.41.
 - Residential Rate from \$8.39 to \$8.47.
- December gas tracker filed 11/15/21.
 - Gas supply rate decrease from \$4.41 to \$4.24.
 - Residential Rate from \$8.47 to \$8.30.
- January gas tracker filed 12/15/21.
 - Gas supply rate decrease from \$4.24 to \$3.98.
 - Residential Rate from \$8.30 to \$7.95.
- February gas tracker filed 1/14/22.
 - Gas supply rate increase from \$3.98 to \$4.26.
 - Residential Rate from \$7.95 to \$8.23.
- March gas tracker filed 2/15/22.
 - Gas supply rate decrease from \$4.26 to \$4.20.
 - Residential Rate from \$8.23 to \$8.17.
- April gas tracker filed 3/15/22.
 - Gas supply rate increase from \$4.20 to \$4.65.
 - Residential Rate from \$8.17 to \$8.63.
- May gas tracker filed 4/15/22.
 - Gas supply rate increase from \$4.65 to \$5.65
 - Residential Rate from \$8.63 to \$9.63
- June gas tracker filed 5/13/22.
 - Gas supply rate increase from \$5.65 to \$6.65
 - Residential Rate from \$9.63 to \$10.63
- Annual Gas Tracker filed 5/31/22.

- July gas supply rate decrease from \$6.65 to \$5.59.
- Residential Rate from \$10.63 to \$9.55.
- *Interim Order 7842* issued 6/14/22.
- *Notice of Application and Intervention Deadline* issued 8/26/22.
- *MCC Petition for Intervention* filed 9/16/22; granted 9/21/22.
- *Procedural Order 7842* issued 9/26/22 (testimony was due 11/18/22).
- *NWE Motion for Final Order* filed 12/22/22.
- *Default Order 7842b* issued 1/13/23.

NWE Gas Tracker, Docket [2022.07.077](#).

- August gas tracker filed 7/15/22.
 - Gas supply rate decrease from \$5.59 to \$5.46
 - Residential Rate from \$9.55 to \$9.43
- September gas tracker filed 8/15/22.
 - Gas supply rate increase from \$5.46 to \$6.39
 - Residential Rate from \$9.43 to \$10.35
- [*Interim Order 7860c* in Docket [2022.07.078](#) issued 9/28/22 approving base rate increase; total residential rate from \$10.35 to \$10.47]
- October gas tracker filed 9/15/22.
 - Gas supply rate decrease from \$6.39 to \$6.07
 - Residential Rate from \$10.47 to \$10.15
- November gas tracker filed 10/14/22.
 - Gas supply rate decrease from \$6.07 to \$5.66
 - Residential Rate from \$10.15 to \$9.74
- December gas tracker filed 11/15/22.
 - Gas supply rate decrease from \$5.66 to \$5.44
 - Residential Rate from \$9.74 to \$9.52
- January gas tracker filed 12/16/22.
 - Gas supply rate decrease from \$5.44 to \$5.81
 - Residential Rate from \$9.52 to \$10.12
- February gas tracker filed 1/16/23.
 - Gas supply rate decrease from \$5.81 to \$5.49
 - Residential Rate from \$10.12 to \$9.81

- March gas tracker **filed 2/15/23**.
 - o Gas supply rate decrease from \$5.49 to \$4.87
 - o Residential Rate from \$9.81 to \$9.19
- April gas tracker **filed 3/15/23**.
 - o Gas supply rate decrease from \$4.87 to \$4.15
 - o Residential Rate from \$9.19 to \$8.47
- May gas tracker **filed 4/14/23**.
 - o Gas supply rate decrease from \$4.15 to \$3.15
 - o Residential Rate from \$8.47 to \$7.47
- June gas tracker **filed 5/15/23**.
 - o Gas supply rate decrease from \$3.15 to \$2.15
 - o Residential Rate from \$7.47 to \$6.47

NWE Townsend Propane Annual Adjustment Filing, Docket [2023.05.034](#), **filed 4/28/23**.

- *Interim Order 7887* **issued 5/23/23**.
- *Notice of Application and Intervention Deadline* **issued 5/25/23**.

NWE Application for Approval of Corporate Restructuring, Docket [2022.06.064](#), filed 6/1/22.

NWE proposes to make its state utility operating divisions separate, wholly-owned subsidiaries of a newly formed holding company, and to replace the 2004 Bankruptcy Stipulation with this Restructuring Plan.

- *Notice of Application and Intervention Deadline* issued 6/14/22.
- *MCC Petition for Intervention* filed 6/28/22; granted 7/1/22.
- *Procedural Order 7854* issued 7/28/22.
- [MCC Direct Testimony of Ralph C. Smith](#) filed 9/23/22 recommending more than two dozen ring fencing conditions, including certain dividend restrictions and the creation of a special purpose entity to maintain the bankruptcy remoteness of the Montana utility.
- *Notice of Public Hearing* **issued 12/12/22**.
- [Joint Motion to Approve Settlement and Term Sheet for Settlement](#) filed 1/5/23, NWE agrees to certain ringfencing provisions, including dividend restrictions (i.e., if equity falls below 40% or 43% percent of capital structure, depending on credit rating), to maintain separate debt and financial records, to not seek to recover restructuring costs, to develop a formal cost allocation manual, and certain reporting requirements.
- *Amended Procedural Order 7854a* **issued 1/6/23** vacating hearing.

- *Final Order 7854b* issued 3/3/23 approving the *Settlement* but defining ‘corporate restructuring costs’ more narrowly than contemplated in the *Settlement*.
- [MCC Motion for Reconsideration](#) filed 3/13/23 asking the Commission to remove the two sentences defining ‘corporate restructuring costs’ too narrowly from *Final Order 7854b*.
- *Order on Reconsideration 7854c* issued 3/31/23 granting MCC’s *Motion for Reconsideration*.

NWE Application for Approval of an Advanced Metering Opt-Out Tariff,
Docket [2022.06.067](#), filed 6/9/22.

NWE proposes to replace its “voluntary bypass program,” which allows consumers to keep their existing meter, with an opt-out tariff that would require an upfront fee of \$75 per service, plus a monthly fee of \$15 to have NWE read their meter (or \$5 to self-read the meter), and require installation of a new, non-communicating digital meter.

- *Notice of Application and Intervention Deadline* issued 6/17/22.
- *MCC Petition for Intervention* filed 7/1/22; granted 7/15/22.
- *Procedural Order 7857* issued 8/2/22.
- [MCC Direct Testimony of David E. Dismukes](#) filed 10/7/22 recommending waiver of all opt-out fees given the unreasonable cost estimates presented by NWE and the small number of customers affected; that opt-out customers should be encouraged but not required to participate in budget billing; and that no opt-out fees should be approved until NWE’s Montana Meter Upgrade Project is complete and more accurate information regarding opt-out costs becomes available.
- *Notice of Public Hearing* issued 12/12/22.
- Hearing held 1/31/23 – 2/1/23; during closing arguments NWE moved for a 90-day stay of the proceedings; MCC opposed.
- *Notice of Commission Action* issued 2/21/23 denying NWE motion for stay and setting briefing schedule.

Hayre Pipeline Annual Gas Tracker, Docket [2022.08.079](#), filed 7/29/22.

Total gas supply rate increase from \$1.5171/Mcf to \$2.8752/Mcf, effective 10/1/22.

- *Notice of Application and Intervention Deadline* issued 9/1/22.
- *MCC Petition for Intervention* filed 9/16/22; granted 10/24/22.
- *Interim Order 7870* issued 10/20/22.
- *Procedural Order 7870a* issued 10/24/22.
- *Default Order 7870b* issued 1/6/23.

NWE Integrated Resource Plan, Docket [2022.11.102](#).

- *Notice of Filing Integrated Resource Plan* filed 11/23/22 stating NWE will delay filing a final plan until 3/31/23 to allow for consideration of comments from the Electric Technical Advisory Committee.
- *Updated Notice of Filing Integrated Resource Plan* filed 3/13/23 notifying the Commission of a 4/28/23 filing of the plan.
- *Montana Integrated Resource Plan* filed 4/28/23.

NWE Annual Tax Tracker, Docket [2022.12.106](#), filed 12/15/22.

Through this annual filing NWE tracks incremental state and local property taxes. It calculates an increase of \$438,340 for the electric utility and an increase of \$221,689 for the natural gas utility, resulting (with other adjustments) in a typical residential bill increase of \$3.11 or 2.9% for electric service and \$1.64 per month or 2.4% for gas service.

- *Notice of Application and Intervention Deadline* issued 12/28/22.
- *MCC Petition for Intervention* filed 1/3/23; granted 1/6/23.
- Proposed rates automatically considered approved 1/30/23.

Joint Petition of NWE and Hill County Electric Cooperative for Provision of Electric Service Facilities, Docket [2023.01.012](#), filed 1/5/23.

- *Notice of Petition and Opportunity to Comment* issued 1/30/23.
- [MCC Request for Further Process](#) filed 2/13/23.
- *Procedural Order 7879* issued 2/15/23.
- *Final Order 7879a* issued 3/29/23 disapproving the proposed agreement and ordering NWE to file a status update within 45 days.
- *NWE Status Update* filed 5/12/23; NWE agrees that because HCEC extended a service line into the eastern portion of the Hulett-Tait 2nd Minor Subdivision, HCEC now has the closest facilities and the right to serve Lot 2; for other lots, the vector method will control if a landowner seeks electric service as a new customer.

MONTANA-DAKOTA UTILITIES COMPANY (“MDU”)

MDU Application to Increase Retail Electric and Natural Gas Utility Service Rates, Docket [2022.11.099](#), filed 11/4/22.

MDU requests an increase of \$10,499,415 or 15.2% over current rates and a 19.2% increase for residential customers based on an ROE of 10.5%.

- *Notice of Application and Intervention Deadline* issued 11/23/22.
- *MCC Petition for Intervention* filed 12/14/22; granted 12/22/22.
- On-site audit on 2/15/23 – 2/17/23.
- *Procedural Order 7876* issued 1/13/23; hearing set 6/20/23.
- *Interim Order 7876a* issued 1/25/23; interim rates effective 2/1/23.
- [MCC Direct Testimonies of Mark E. Garrett, Dr. David E. Dismukes, Dr. J. Randall Woolridge and David J. Garrett](#) filed 4/7/23, recommending an increase of \$4,729,691 or 6.8% over current rates and a 6.2% increase for residential customers based on a 9.1% ROE and certain changes to MDU’s depreciation study; accounting for loss of revenue due to closure of Sydney Sugars plant in April 2023; recommending no increases to fixed customer charges.
- [MCC Cross-Intervenor Testimonies of Mark E. Garrett and Dr. David E. Dismukes](#) filed 5/19/23; responding to the revenue allocation proposals in the *Direct Testimony of Kevin C. Higgins* on behalf of Denbury Onshore, LLC; calculating additional adjustments related to the amortization of retired plant costs and load growth expected to offset the loss of revenue from the Sydney Sugars plant closure; recommending an increase of \$3,556,380.
- *Notice of Public Listening Sessions and Public Hearing* issued 5/26/23.

MDU Electric Tracker (Rate 58), Docket [2022.06.070](#), filed 6/16/22.

- July electric tracker:
 - o Decrease of \$0.00152 secondary.
 - o Total fuel and purchased power in tariff is \$0.02167 /kWh.
- *Notice of Application and Intervention Deadline* issued 6/24/22.
- *Interim Order 7844* issued 6/30/22.
- *MCC Petition for Intervention* filed 7/8/22.
- August electric tracker filed 7/15/22.
 - o Decrease of \$0.00257 secondary.
 - o Total fuel and purchased power in tariff is \$0.01910/kWh.
- September electric tracker filed 7/17/22.

- Increase of \$0.00505 secondary.
- Total fuel and purchased power in tariff is \$0.02415/kWh.
- *Procedural Order 7844a* issued 8/12/22.
- October electric tracker filed 9/16/22.
 - Increase of \$0.00011 secondary.
 - Total fuel and purchased power in tariff is \$0.02426/kWh.
- *Default Order 7844b* issued 10/13/22.
- November electric tracker filed 10/17/22.
 - Decrease of \$0.00172 secondary.
 - Total fuel and purchased power in tariff is \$0.02254/kWh.
- December electric tracker filed 11/17/22.
 - Increase of \$0.00088 secondary.
 - Total fuel and purchased power in tariff is \$0.02342/kWh.
- January electric tracker **filed 12/16/22**.
 - Decrease of \$0.00248 secondary.
 - Total fuel and purchased power in tariff is \$0.02094/kWh.
- February electric tracker **filed 1/17/23**.
 - Increase of \$0.00356 secondary.
 - Total fuel and purchased power in tariff is \$0.02450/kWh.
- March electric tracker **filed 2/17/23**.
 - Increase of \$0.00124 secondary.
 - Total fuel and purchased power in tariff is \$0.02574/kWh.
- April electric tracker **filed 3/16/23**.
 - Decrease of \$0.00265 secondary.
 - Total fuel and purchased power in tariff is \$0.02309/kWh.
- May electric tracker **filed 4/17/23**.
 - Increase of \$0.00060 secondary.
 - Total fuel and purchased power in tariff is \$0.02369/kWh.
- June electric tracker **filed 5/17/23**.
 - Decrease of \$0.00150 secondary.
 - Total fuel and purchased power in tariff is \$0.02219/kWh.

MDU Gas Tracker Filings (Rate 88), Docket [2022.09.088](#), filed 9/8/22.

In this annual tracker filing, MDU seeks a residential and firm general customer increase of \$0.847/Dkt, including a \$1.229/Dkt increase in current gas cost and \$0.390 decrease in the unreflected cost component. Total residential rate of \$11.875/Dkt.

- *Interim Order 7863* issued 9/28/22.
- *Notice of Application and Intervention Deadline* issued 9/29/22.
- November gas tracker filed 10/7/22.
 - o Decrease of \$2.599/Dkt for residential and general service.
 - o Total residential rate \$9.276/Dkt.
- *MCC Petition for Intervention* filed 10/12/22; granted 10/19/22.
- *Procedural Order 7863a* issued 10/19/22; testimony was due 11/30/22.
- December gas tracker filed 11/8/22.
 - o Decrease of \$0.382/Dkt for residential and general service.
 - o Total residential rate \$8.894/Dkt.
- January gas tracker **filed 12/8/22**; no adjustment requested.
- *Default Order 7863b* **issued 1/6/23**.
- February gas tracker **filed 1/6/23**.
 - o Decrease of \$0.593/Dkt for residential and general service.
 - o Total residential rate \$8.301/Dkt.
- March gas tracker **filed 2/8/23**.
 - o Decrease of \$0.379/Dkt for residential and general service.
 - o Total residential rate \$7.922/Dkt.
- April gas tracker **filed 3/8/23**.
 - o Decrease of \$1.282/Dkt for residential and general service.
 - o Total residential rate \$6.640/Dkt.
- May gas tracker **filed 4/7/23**; no adjustment requested.
- June gas tracker **filed 5/8/23**.
 - o Decrease of \$0.414/Dkt for residential and general service.
 - o Total residential rate \$6.226/Dkt.

MDU Annual Tax Tracker, Docket [2022.10.092](#), filed 11/23/22.

Through this annual filing MDU tracks incremental state and local property taxes. It calculates an increase in revenues of \$954,348 for electric and a decrease of \$473,869 for gas, resulting

in a 1.45% increase for residential electric service and 0.39% decrease for residential gas service.

- *Notice of Application and Intervention Deadline* issued 12/5/22.
- *MCC Petition for Intervention* filed 12/13/22; granted 12/14/22.
- Proposed rates automatically considered approved 1/9/23.

MDU Conservation Program Tracking Mechanism (Rate 90), Docket [2023.03.027](#), filed 3/31/23.

- *Notice of Application and Intervention Deadline* issued 5/11/23.

MDU Application to Offer Incentives for Conversion in the Saco/Bowdoin Area, Docket [2021.09.116](#), filed 9/15/21.

MDU seeks to implement a phased incentive program to provide declining reimbursements for conversion costs for certain customers to convert to alternative fuel sources, and for authority to impose special terms and conditions on customers wishing to continue to receive regulated natural gas distribution service in the Saco/Bowdoin area. Note: MDU's previous *Application for Authority to Discontinue Regulated Natural Gas Distribution in the Saco/Bowdoin Area* filed 9/18/18 was withdrawn by MDU on 12/4/19 (see Docket [2018.09.057](#)).

- *Notice of Application and Intervention Deadline* issued 3/28/22.
- *MCC Petition for Intervention* filed 4/22/22; granted 9/2/22.

ENERGY WEST MONTANA & CUT BANK GAS COMPANY

EWM Monthly Gas Tracker, Docket [2022.04.052](#).

- Corrected May gas tracker filed 5/26/22. Residential rate to \$8.33/Mcf.
- June gas tracker filed 5/26/22. Residential rate to \$9.53/Mcf.
- July gas tracker filed 6/28/22. Residential rate to \$8.24/Mcf.
- August gas tracker filed 7/27/22. Residential rate to \$7.86/Mcf.
- September gas tracker filed 8/29/22. Residential rate to \$7.29/Mcf.
- October gas tracker filed 9/30/22. Residential rate to \$6.79/Mcf.
- November gas tracker filed 10/25/22. Residential rate to \$7.10/Mcf.
- December gas tracker filed 11/17/22. Residential rate to \$7.41/Mcf.
- January gas tracker **filed 12/29/22**. Residential rate to \$7.53/Mcf.
- February gas tracker **filed 1/12/23**. Residential rate to \$7.42/Mcf.
- March gas tracker **filed 2/10/23**. Residential rate to \$6.97/Mcf.

EWM Monthly Gas Tracker, Docket [2023.04.029](#).

- April gas tracker **filed 3/10/23**. Residential rate to \$5.68/Mcf.
- May gas tracker **filed 4/11/23**. Residential rate to \$4.77/Mcf.
- June gas tracker **filed 5/10/23**. Residential rate to \$4.80/Mcf.

EWM Annual Gas Cost Tracker, Docket [2023.06.048](#), **filed 6/1/23**.

EWM seeks to true up and finalize its monthly trackers for the year ending 3/31/23, reflecting an over-collection of gas costs of \$717,799 and over-recovery of \$73,935 from prior year amortization, for total proposed decrease of \$791,734.

EWM Annual Tax Tracker, Docket [2022.12.103](#), filed 11/30/22.

Through this annual filing EWM tracks incremental state and local property taxes. It calculates a net property tax increase of \$725,079 recoverable through rates.

- *Notice of Application and Intervention Deadline* **issued 12/8/22**.
- *MCC Petition for Intervention* **filed 12/16/22**; granted 12/22/22.
- Proposed rates automatically considered **approved 1/13/23**.

WATER UTILITIES

High Quality H2O Application to Decrease Water Rates, Docket [2021.06.081](#).

High Quality requests a 29% residential rate decrease from \$45 per month to \$32 per month, and a commercial rate decrease from \$625 per month to \$600 per month.

- *Staff Advisory Letter* issued 6/2/21 notifying High Quality H2O that its standard rates would expire on 7/1/21 (see Docket D2018.3.13).
- High Quality H2O *Letter* filed 6/28/21 requesting extension to file a rate application until 12/1/21.
- *Notice of Staff Action* issued 7/23/21 granting extension until 12/1/21.
- High Quality H2O *Letter* filed 11/18/21 requesting a second extension to file a rate application until 3/2/22.
- *Notice of Staff Action* issued 2/11/22 granting extension until 3/31/22.
- High Quality H2O *Application to Decrease Water Rates Pursuant to Operating Ratio Methodology* filed 4/1/22.
- *Notice of Application and Intervention Deadline* issued 5/13/22.
- *MCC Petition for Intervention* filed 5/24/22; granted 6/17/22.
- *Procedural Order 7843* issued 7/7/22.
- [MCC Testimony of Paul R. Schulz](#) filed 8/19/22 recommending a residential rate of \$18.33 per month and a commercial rate of \$254.61 per month, and a refund to customers of \$60,375 over the next four years due to excessive standard rates being charged since 10/1/18.

Aquanet, Inc. Application for Standard Rates for Sundance Subdivision, Docket [2021.09.115](#), filed 9/14/21.

Aquanet requests approval to charge standard rates effective 7/31/21 when it intends to begin offering water services in the Sundance Subdivision.

Aquanet, Inc. Application for an Interim Rate Request for Linlee Lake Estates, Docket [2022.09.085](#), filed 9/1/22.

Aquanet requests approval to increase rates for water and wastewater service from \$80 per month to \$140 per month effective 12/1/22, a 75% increase.

- *Notice of Application and Intervention Deadline* issued 10/28/22.
- *MCC Petition for Intervention* filed 11/15/22; granted 11/30/22.
- *Procedural Order 7874* issued 12/29/22.

- *Aquanet Unopposed Request to Withdraw Application and Set Interim Rate of \$80/Month* filed 1/26/23.
- *Final Order 7874a* issued 2/27/23; required Aquanet to file a rate application by 6/30/23.
- *Aquanet Unopposed Request for Extension to File Rate Application* filed 5/19/23 requesting an extension to file a rate application until 8/30/23.

Flathead Utility Company, Inc. Request to Approve Utility Sale and Transfer, Docket [2022.09.086](#), filed 9/5/22.

- *Notice of Application and Intervention Deadline* issued 10/25/22.
- *MCC Petition for Intervention* filed 11/4/22; granted 11/22/22.
- *Procedural Order 7872* issued 11/28/22.
- *Amended Procedural Order 7872a* issued 1/13/23.
- *Stipulation between MCC and Flathead Utility Co.* filed 1/25/23; MCC agrees to not oppose the sale and transfer; Flathead agrees to report all debt of each affiliate and any shared services or expenses, to update the report upon certain conditions, to provide at least sixty days' notice of any future sale or transfer or acquisition of utility assets, and to not request rate recovery of an acquisition premium associated with this sale and transfer.
- *Final Order 7872b* issued 3/30/23 approving the *Stipulation* and the sale and transfer of the utility, and requiring Flathead to file a rate application for the Ashley Trail system.

Flathead Utility Company, Inc. Operating Ratio Methodology Request for Rate Increase, Docket [2023.03.024](#), filed 3/26/23.

Flathead requests water rate increases of 15% for the Hilltop Terrace Subdivision (to \$29 per month) and 18% for the Country Estates Subdivision (to \$30 per month), and initial rates of \$60.00 per month for the Ashley Trail Subdivision.

- *Amended Application* filed 4/11/23.
- *Notice of Application and Intervention Deadline* issued 5/1/23.
- *MCC Petition for Intervention* filed 5/15/23.
- *Procedural Order 7892* issued 6/5/23.

OTHER

ABACO Propane Cost Tracker, Docket [2022.07.075](#), filed 7/1/22.

ABACO seeks to increase the propane supply rate from \$0.94 to \$1.5356/usg during 6/1/22 through 9/30/22, from \$0.9825 to \$1.5356/usg during 10/1/22 through 12/31/22, from \$0.9825 to \$1.5356/usg during 1/1/23 through 3/31/23, and from \$0.9250 to \$1.4406/usg during 4/1/23 through 5/31/23; ABACO also seeks a \$0.0056/usg increase to reflect a \$4,455 under-collection from the previous tracking period.

- *Notice of Application and Intervention Deadline* issued 7/28/22.
- *MCC Petition for Intervention* filed 8/11/20; granted 8/15/22.
- *Procedural Order 7853a* issued 8/15/22.
- *Stipulation for Propane Cost Tracker* filed 10/24/22 agreeing to remove certain administrative and legal expenses and correct the calculation of carrying costs.
- *Final Order 7853c* issued 12/7/22 approving the *Stipulation*.
- *Order to Show Cause 7853d* issued 3/22/23 regarding ABACO's implementation of interim rates; ABACO responded 4/20/23.

ABACO Propane Cost Tracker, Docket [2023.05.035](#), filed 5/8/23.

ABACO seeks to decrease the propane supply rate from \$1.5278 to \$0.90/usg during 6/1/23 through 9/30/23; from \$1.5278 to \$1.12/usg during 10/1/23 through 12/31/23; from \$1.5278 to \$1.12/usg during 1/1/24 through 3/31/24; and from \$1.4328 to \$1.12/usg during 4/1/23 through 5/31/23.

- *Notice of Application and Intervention Deadline* issued 5/23/23.
- *Interim Order 7888* issued 5/23/23.

Qwest Corporation d/b/a CenturyLink QC Petition for Temporary Waiver, filed 12/9/21, and Commission Investigation into the Adequacy of Legacy Infrastructure Operated by CenturyLink, Docket [2021.12.136](#).

- *Notice of Consolidation and Opportunity to Comment* issued 2/11/22 consolidating with CenturyLink QC Petition for Temporary Waiver in Docket [2021.12.137](#).
- *Notice of Commission Action and Intervention Deadline* issued 12/10/21 initiating an investigation of service complaints related to outages and access to 911 services in rural areas.
- *MCC Petition for Intervention* filed 1/31/22; granted 2/3/22.
- *Notice of Consolidation and Opportunity to Comment* issued 2/11/22 consolidating with Docket [2021.12.137](#).
- *Order on Investigative Procedure 7825* issued 2/17/22.

- [MCC Comments](#) filed 2/25/22 requesting additional process.
- *Order 7825a* issued 4/5/22 granting CenturyLink's *Unopposed Request for Extension of Time* to respond to Commission data requests.
- *Order 7825c* issued 5/23/22 resetting deadlines for discovery and to request additional process.
- *Order 7825d* issued 6/3/22 resetting deadlines for discovery and to request additional process.
- *Amended Procedural Order 7825e* issued 8/3/22 extending the deadline for comments or to request additional process.
- *Amended Procedural Order 7825g* issued 9/8/22 extending the deadline for comments or to request additional process.
- [MCC Comments and Request for Further Process](#) filed 9/23/22 recommending denial of CenturyLink's Petition because it has not shown good cause to waive ARM 38.5.3371(7)(b), which generally requires 90% of out of service trouble reports to be cleared within 24 hours, excluding Sunday.
- [Affidavit of Robert Loube](#) filed 9/30/22 in support of MCC's *Comments*.
- *Notice of Commission Action* issued 11/3/22 ordering CenturyLink to file a proposal within 45 days based on the principles of a stipulation in Wyoming that temporarily subsidized third party-provided service (e.g., satellite service) for certain eligible customers.
- *CenturyLink Proposal for Resolution of Investigation and Petition for Temporary Waiver* filed 12/19/22.
- *Procedural Order 7825h* issued 1/31/23.
- *CenturyLink Request for Extension of Time* filed 3/13/23.

Order to Show Cause to Town of Saco Municipal Gas, Docket [2022.10.096](#), issued 10/20/22.

Based on representations of pipeline safety staff, the Commission found recordkeeping violations and ordered the Town of Saco to, within 90 days, develop a plan to cure all recordkeeping deficiencies, show that it maintains necessary equipment, and work with a third-party engineering firm to attempt to secure funding for future engineering and technical assistance.

- *Notice of Commission Action* issued 1/6/23 accepting emailed information from the Town of Saco and dismissing the *Order to Show Cause*.

InterBel Application for Designation as an Eligible Telecommunications Carrier, Docket [2023.03.021](#), filed 3/6/23.

- *Notice of Commission Action and Intervention Deadline* issued 4/27/23.
- *MCC Petition for Intervention* filed 5/15/23.
- *Procedural Order 7889* issued 5/26/23.

QUALIFYING FACILITIES (“QFs”)

CBC [Third] Petition to Set Terms and Conditions, Docket [2021.12.134](#), filed 12/1/21.

CBC petitions for contract terms and conditions for two 50 MW wind plus 30 MW battery QFs located in Stillwater and Sweet Grass Counties. It claims an LEO as of 11/17/21 and entitlement to a 20-year contract with capacity rates of \$26.72/kW-month and energy rates of \$55.72/MWh (including a CO₂ adder of \$5.18/MWh) and \$55.17/MWh (including a CO₂ adder of \$5.20/MWh).

- *Notice of Petition and Opportunity to Intervene* issued 12/14/21.
- *MCC Petition for Intervention* filed 12/22/21; granted 1/12/22.
- *Procedural Order 7823* issued 1/12/22; hearing set for 4/27/22.
- *Amended Procedural Order 7823a* issued 1/24/22.
- MCC [Intervenor Testimony of Jaime T. Stamatson](#) filed 2/18/22 addressing the proper methodology for calculating avoided energy and capacity costs, avoidable costs related to CO₂ emissions, and avoidable costs related to ancillary services.
- *Notice of Public Hearing* issued 3/8/22.
- Hearing held 4/27/22 – 4/28/22.
- *Final Order 7823g* issued 6/16/22 ordering a compliance filing from NWE.
- NWE and CBC motions for reconsideration filed 6/27/22.
- NWE *Compliance Filing* filed 6/30/22 calculating a capacity rate of \$19.91/kW-month; and energy rates of \$13.44/MWh for low load and \$21.66/MWh for high load hours for CBC’s first project, and \$12.44/MWh for low load and \$20.33/MWh for high load hours for CBC’s second project.
- *Order on Reconsideration 7823h* issued 8/18/22 granting in part the NWE and CBC motions for reconsideration.

CBC [Third] Petition for Judicial Review, First Judicial District Cause No. BDV-2022-764, filed 9/15/22.

CBC challenges the Commission’s inclusion of certain resources in NWE's resource stack; selection of proxy unit; methodology for determining CBC’s capacity contribution; valuation of energy in long hours; use of a declining heat rate; transmission basis differential; avoidable CO₂ costs; and treatment of network upgrade costs.

- o *Judicial Review Petition Briefing Order* issued 10/26/22.
- o Minute Entry issued 12/5/22 resetting oral argument 3/21/23.
- o MCC *Response Brief* filed 1/6/23 addressing issues related to unneeded QF energy and avoidable CO₂ costs.
- o *Order on Additional Evidence Motion* issued 1/10/23; oral argument reset 5/8/23.
- o Oral argument held 5/8/23.

Consolidated Edison (“CED”) Petitions to Set Terms and Conditions, Docket [2019.10.076](#), filed 10/4/19.

CED filed petitions for three QF projects. For Wheatland Wind, a 73 MW wind project in Wheatland County, CED sought a 25-year contract with an around-the-clock energy rate of \$43.23/MWh, a capacity rate of \$2.22/MWh in all hours, and a CO₂ adder of \$6.27/MWh beginning 1/1/28.

- *Notice of Petition and Opportunity to Intervene* issued 10/10/19.
- *MCC Petition for Intervention* filed 10/24/19.
- *Procedural Order 7702* issued 10/31/19.
- *NWE Intervenor Testimony* filed 12/23/19: Proposes avoided energy cost of \$15.86/MWh, avoided capacity cost of \$10.70/MWh for on-peak production, integration costs of (\$12.43)/MWh, and interconnection network upgrade costs of \$(159.91)/MWh, for total avoided cost of \$(156.48)/MWh off-peak and \$(145.78)/MWh on-peak. Asserts that new 230 kV line costing \$237 million would be required for interconnection.
- [MCC Testimony of Jaime Stamatson](#) filed 12/23/19: supports hourly version of PowerSimm to calculate avoided energy costs; accepts Wheatland’s assumed avoided capacity cost value of \$176.40/kw-year; recommends Wheatland retain all renewable energy credits to account for all environmental attributes, including speculative CO₂ costs; supports a 15 year contract length as reasonably long-term while minimizing ratepayer risk; supports using NWE’s Open Access Transmission Tariff (“OATT”) to calculate ancillary service costs.
- Hearing held 2/10/19 – 11/20/19.
- *Final Order 7702b* issued 4/22/20 finding the price terms proposed by CED were substantially higher than any recent avoided cost determinations, were not consistent with NWE’s avoided costs, and no LEO was established; listing several factors that may have contributed to the divergence; NWE failed to adequately address questions related to PowerSimm dispatching resources out of merit so it cannot be relied upon to develop avoided costs in this case; similarly rejects CED’s proposed proxy for calculating avoided cost, so neither party has met a burden of proof; determines a reciprocating internal combustion engine (“RICE”) unit should be used to determine avoided costs; avoided energy cost is \$24.18/MWh; adopts 5% capacity factor resulting in \$11.04/MWh capacity payment in on-peak hours; rejects CO₂ cost adder as unsupported and speculative; QF is responsible for project network upgrade costs; NWE’s OATT should be used to calculate ancillary service costs; adopts 15 year contract length.
- *CED Motion for Reconsideration* filed 5/1/20.
- *NWE Motion for Reconsideration* filed 5/4/20 regarding uncompensated curtailment provisions.
- *Order on Reconsideration 7702c* issued 7/13/20 affirming finding that no LEO was established but finding that “affirmative determination” of NWE’s avoided cost at time of contract tender would be reasonable; estimates CED’s avoided cost request in September

2019 was 42% higher than costs and affirms finding of no LEO; CED's use of PowerSimm results suffer from same criticism it levels at NWE's use of those results; reaffirms use of proxy method as most supported in record; reverses recognition of light and heavy load hours and sets energy costs solely on fuel and variable O&M costs of the proxy; substitutes buildout of DGGS for a RICE and adopts CED's gas price forecast; calculates avoided energy cost of \$24.99/MWh for 15 year contract; affirms 5% capacity contribution; reaffirms CO₂ cost treatment and interconnection cost findings; reaffirms 15 year contract length.

CED Complaint and Petition for Judicial Review, First Judicial District Cause No. ADV-2020-1292, filed 8/11/20.

CED claims the Commission set unreasonable and unlawful terms and conditions for the contract between CED and NWE.

- *NWE Motion to Dismiss* filed 9/2/20.
- *Order Consolidating Cases with CED Teton, DDV-2020-1367* issued 10/5/20.
- *Order Denying Motions to Dismiss* issued 10/5/20.
- *Order on Petitions for Judicial Review* issued 4/19/21 reversing the finding of no LEO based on *MTSUN, LLC v. Mont. Dept. of Pub. Serv. Regulation*, 2020 MT 238, 401 Mont. 324, 472 P.3d 1154; affirming the energy and capacity rates set by the Commission; affirming the decisions regarding network upgrades, ancillary services, contract length, and uncompensated curtailment; and reversing the decision regarding CO₂ costs because the Commission conceded this issue on appeal.

CED Appeal to Montana Supreme Court, Case No. DA 21-0250, filed 5/24/21.

- *CED Opening Brief* filed 8/2/21.
 - Commission, NWE, and MCC response briefs filed 10/1/21; MCC argued that QF projects should not cost ratepayers more than they would otherwise pay for power and that the evidence supported a 15-year contract length for CED.
 - *CED Reply Brief* filed 10/20/21.
 - *CED Wheatland Wind, LLC v. Mont. Dep't of Pub. Serv. Regulation*, 2022 MT 87, 408 Mont. 268, 509 P.3d 19 issued 5/10/22, reversing the decision to assign all network upgrade costs to CED and ordering a "proportionality analysis" on remand; remanding the calculation of energy rates based on the proxy method to allow parties to present their own estimates based on the proxy method; affirming the Commission's decisions regarding ancillary services and contract length.
- *Procedural Order 7702d* issued 7/28/22; hearing set 2/27/23.
 - *Notice of Technical Workshop* issued 8/18/22; held 8/24/22.
 - *Notice of Public Hearing* issued 2/7/23.
 - Hearing held 2/27/23 – 2/28/23.

Jawbone Holdings, LLC Petition to Set Terms and Conditions, Docket [2020.12.126](#), filed 12/30/20.

Jawbone petitions for contract terms and conditions for an 80 MW wind project located near Harlowton. It claims an LEO as of 12/21/20 and entitlement to a 25-year contract with a capacity rate of \$6.29/MWh and an energy rate of \$38.76/MWh (including a CO₂ adder of \$2.25/MWh).

- *Notice of Petition and Opportunity to Intervene* issued 1/5/21.
- *MCC Petition for Intervention* filed 1/15/21; granted 1/22/21.
- *Procedural Order 7768* issued 1/22/21. Hearing set for 5/10/21.
- NWE testimony filed 3/3/21, calculating rates of \$24.67/MWh off-peak and \$35.54/MWh on-peak.
- [MCC Testimony of Jaime T. Stamatson](#) filed 3/3/21: it is preferable to calculate avoided cost of energy based on marginal cost to serve load methodology; capacity contribution should be based on 5% of nameplate; Jawbone should retain its RECs to compensate for CO₂ values; 25-year contract is risky, and 15-year contracts are shown to be sufficient; agrees that ancillary service costs should be based on NWE's FERC tariffs.
- Hearing held 5/10/21 – 5/11/21.
- *Final Order 7768a* issued 10/29/21; finding NWE's avoided cost of energy in "Condition 3" is zero; using the four-year forward market price forecast and transmission basis differentials proposed by NWE; holding Jawbone responsible for currently unknown transmission upgrade costs; approving rates only for firm transmission service; approving a CO₂ adder of \$2.25/MWh and a 20-year contract length; and setting other miscellaneous contract terms.
- *Jawbone Motion for Reconsideration* and *NWE Motion for Reconsideration and Clarification* filed 11/8/21.
- *Order on Reconsideration 7768b* issued 1/26/22 denying both motions for reconsideration.

Jawbone Petition for Judicial Review, First Judicial District Cause No. CDV 2022-161, filed 2/25/22.

Jawbone challenges multiple findings in *Final Order 7768a*, including decisions related to the avoided cost of energy and interconnection costs.

- o *Judicial Review Petition Briefing Order* issued 3/28/22.
- o *Jawbone Opening Brief* filed 4/29/22.
- o MCC and NWE response briefs filed 5/31/22.
- o *Jawbone Combined Reply Brief* filed 6/17/22.
- o *NWE Notice of Filing of Proposed Order and Proposed Order on Petition for Judicial Review* filed 9/22/22.
- o Oral argument held 9/29/22.

- *Jawbone Motion for Disqualification, Notice of Filing of Proposed Order and Proposed Order on Petition for Judicial Review; and PSC Notice of Filing of Proposed Order and Proposed Order on Petition for Judicial Review* filed 10/13/22.
- *Jawbone Motion for Oral Arguments* filed 11/17/22.
- *Order on Motion for Oral Arguments* issued 11/18/22.

MDU Annual Avoided Cost Update (Rate 93), Docket [2022.10.093](#), filed 10/12/22.

This filing updates MDU’s energy and capacity payments under its avoided cost tariff.

- *Notice of Application and Intervention Deadline* issued 12/29/22.
- *MCC Petition for Intervention* filed 1/11/23; granted 1/13/23.
- *Procedural Order 7877* issued 1/18/23.
- *Default Order 7877a* issued 5/8/23.

Colstrip Energy Limited Partnership’s Petition to Set Terms and Conditions, Docket [2022.07.073](#), filed 7/1/22.

CELP petitions for contract terms and conditions for the 42 MW coal refuse-fired Rosebud Power Plant located near Colstrip, MT. It claims an LEO as of 4/29/22 for a capacity rate of \$27.30/kW-month with variable energy rates.

- *Notice of Petition and Intervention Deadline* issued 7/13/22.
- *MCC Petition for Intervention* filed 7/28/22; granted 8/3/22.
- *NWE Motion to Dismiss* filed 7/28/22; CELP response brief filed 8/4/22; *NWE Reply Brief* filed 8/9/22.
- *Procedural Order 7859* issued 8/11/22; hearing set for 12/13/22.
- *Order 7859a on Motion to Dismiss* issued 8/23/22 denying *NWE Motion to Dismiss*.
- [MCC Intervenor Testimony of Jaime T. Stamatson](#) filed 9/16/22 proposing to use locational marginal prices in the western energy imbalance market for energy rates; to use an aeroderivative turbine as the proxy resource for capacity rates; and to use NWE's Open Access Transmission Tariff (“OATT”) for ancillary services.
- *Notice of Public Hearing* issued 11/10/22.
- Hearing held 12/13/22 – 12/15/22.
- [MCC Response Brief](#) filed 2/22/23 addressing ancillary service costs.
- *Final Order 7859i* issued 5/19/23; finding CELP created an LEO on 4/29/22; approving YCGS as a proxy to set avoided capacity payments and a locational marginal price in the western energy imbalance market to set avoided energy payments; a contract length of 18.5 years; and use of the OATT to set ancillary service charges.

- *Order 7859j on Join Motion for Extension of Time* issued 5/26/23; deadline for motions for reconsideration extended until 7/7/23.

Trident Solar, LLC Petition to Set Terms and Conditions, Docket [2023.01.013](#), filed 1/24/23.

Trident petitions for contract terms and conditions for an 80 MW solar project with a 40 MW battery located near Three Forks, MT. It claims an LEO as of 9/29/21 and requests a 20-year contract with a capacity rate of \$186,153.96/MW-year (escalated for actual inflation until Trident's actual commercial operation date) and a fixed energy rate of \$28.70/MWh around the clock.

- *Notice of Petition and Intervention Deadline* issued 1/30/23.
- *MCC Petition for Intervention* filed 2/13/23; granted 2/21/23.
- *Procedural Order 7881* issued 2/23/23; hearing set 5/24/23.
- *Notice of Public Hearing* issued 4/27/23.
- *NWE and Trident Notice of Settlement & Unopposed Motion to Vacate Hearing* filed 5/23/23.
- *Order 7881c* issued 5/23/23 granting *Motion to Vacate Hearing* and directing NWE and Trident to file a settlement and proposed contract within 60 days.