

Montana Consumer Counsel

STATUS OF CASES

March 19, 2024

NORTHWESTERN ENERGY (“NWE”)

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

- August gas tracker filed 7/15/22.
 - o Gas supply rate decrease from \$5.59 to \$5.46
 - o Residential Rate from \$9.55 to \$9.43
- September gas tracker filed 8/15/22.
 - o Gas supply rate increase from \$5.46 to \$6.39
 - o 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.
 - o Gas supply rate decrease from \$6.39 to \$6.07
 - o Residential Rate from \$10.47 to \$10.15
- November gas tracker filed 10/14/22.
 - o Gas supply rate decrease from \$6.07 to \$5.66
 - o Residential Rate from \$10.15 to \$9.74
- December gas tracker filed 11/15/22.
 - o Gas supply rate decrease from \$5.66 to \$5.44
 - o Residential Rate from \$9.74 to \$9.52
- January gas tracker filed 12/16/22.
 - o Gas supply rate decrease from \$5.44 to \$5.81
 - o Residential Rate from \$9.52 to \$10.12
- February gas tracker filed 1/16/23.
 - o Gas supply rate decrease from \$5.81 to \$5.49
 - o 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

- Residential Rate from \$9.81 to \$9.19
- April gas tracker filed 3/15/23.
 - Gas supply rate decrease from \$4.87 to \$4.15
 - Residential Rate from \$9.19 to \$8.47
- May gas tracker filed 4/14/23.
 - Gas supply rate decrease from \$4.15 to \$3.15
 - Residential Rate from \$8.47 to \$7.47
- June gas tracker filed 5/15/23.
 - Gas supply rate decrease from \$3.15 to \$2.15
 - Residential Rate from \$7.47 to \$6.47
- Annual Gas Tracker Application filed 5/31/23
 - Gas supply rate decrease from \$2.15 to \$2.87
 - Residential Rate from \$6.47 to \$7.15
- *Interim Order 7894* issued 6/27/23.
- *MCC Notice of Intervention* filed 7/5/23.
- *Procedural Order 7899* issued 7/7/23.
- *Amended Procedural Order 7899c* issued 8/21/23.
- [*MCC Request for Additional Process*](#) filed 9/18/23.
- *Amended Procedural Order 7899d* issued 9/26/23.
- Pre-filed [*Direct Testimony of George L. Donkin*](#) filed 10/10/23 recommending a disallowance of \$13,162,210 for natural gas hedging losses incurred during the 2022-2023 tracking period; based on NWE's prior experiences with hedging losses and failure to adequately assess the value and cost-effectiveness of its hedging decisions, these losses were imprudently incurred.
- *Amended Procedural Order 7899e* issued 11/15/23.
- Hearing held 2/20/24.

NWE Gas Tracker, Docket [2023.07.068](#).

- August gas tracker filed 7/13/22.
 - Gas supply rate increase from \$2.87 to \$3.06
 - Residential Rate from \$7.15 to \$7.34
- September gas tracker filed 8/15/22.
 - Gas supply rate increase from \$3.06 to \$3.40
 - Residential Rate from \$7.34 to \$7.68

- October gas tracker filed 9/15/22.
 - o Gas supply rate increase from \$3.40 to \$3.27
 - o Residential Rate from \$7.68 to \$7.55
- November gas tracker filed 10/13/22.
 - o Gas supply rate increase from \$3.267 to \$3.273
 - o Residential Rate from \$7.546 to \$7.552
- December gas tracker **filed 11/15/23**.
 - o Gas supply rate decrease from \$3.367 to \$3.247
 - o Residential Rate from \$8.123 to \$8.003
- January gas tracker **filed 12/15/23**.
 - o Gas supply rate decrease from \$3.231 to \$2.977
 - o Residential Rate from \$7.324 to \$7.071
- February gas tracker **filed 1/12/24**.
 - o Gas supply rate increase from \$2.977 to \$3.137
 - o Residential Rate from \$7.071 to \$7.230
- March gas tracker **filed 2/15/24**.
 - o Gas supply rate increase from \$3.137 to \$3.241
 - o Residential Rate from \$7.230 to \$7.334

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.
- *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 ECOSS, 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.

Settlement pros:	Settlement cons:
<ul style="list-style-type: none"> • Overall base electric increase of \$67,377,467, compared to MCC litigation position of \$66,703,068 and NWE litigation position of approx. \$90,471,000. • Residential class assigned 1.21 times the system average increase compared to MCC litigation position of 1.1, NWE position of 1.7 and LCG position of 1.6. Residential share of total revenues went from 44.5% to 45.8%. • No increase to most fixed customer charges. • No approval of YCGS costs until plant is placed into service, no approval of capital costs until plant is deemed prudent, and clarity as to where cost recovery will be litigated. • No unnecessary riders, such as the reliability rider opposed by other intervenors and the business technology rider. • No decoupling. • Jurisdictional cost of service study required with NWE's next rate case. • No acquisition premium for Sleepy Hollow. • Quarterly PCCAM adjustments rather than monthly. • No regulatory asset for DSM costs. 	<ul style="list-style-type: none"> • Substantial base transmission, distribution and generation electric increase of \$19 per month (almost 21 percent) for residential customers using 750 kWh per month, and gas increase of 11.3 percent. • Substantial increase to PCCAM base (although tracker year 1 was already higher than the new base, resulting in favorable 90-10 sharing).

- *Final Order 7860y* issued 10/27/23 approving *Stipulation and Settlement Agreement*.
- Motions for reconsideration from 350 Montana, NW Energy Coalition, & Broad Reach Power filed 11/6/23.
- *Order 7860z On Reconsideration* issued 1/24/24, granting NW Energy Coalition's request for a permanent stakeholder group to discuss DSM and low-income assistance.
- Deadline to petition for judicial review passed 2/23/24.
- *NWE Stakeholder Compliance Filing* filed 2/23/24.

Havre Pipeline Co. Annual Tracker Application, Docket [2023.08.070](#), filed 7/31/23.

HPC requests a rate decrease for rural farmstead gas customers from \$2.8752/Mcf to \$2.1349/Mcf, a decrease of \$0.7403/Mcf or 25.7% from the currently effective rate.

- *Notice of Application and Intervention Deadline* issued 8/11/23.
- *MCC Notice of Intervention* filed 8/25/23.
- *Interim Order 7916* issued 9/20/23.
- *Procedural Order 7916a* issued 10/3/23.
- *Default Order 7916b* filed 2/16/24.

NWE QF-1 Tariff Update Application, Docket [2023.08.076](#), filed 8/24/23.

- *Notice of Application and Intervention Deadline* issued 8/31/23.
- *MCC Notice of Intervention* filed 9/18/23.
- *Procedural Order 7923a* issued 12/28/23; hearing set 5/15/24.

NWE Annual PCCAM Application, Docket [2023.09.081](#), filed 9/1/23.

Through this annual filing NWE tracks incremental electric supply power costs. It calculates a net deferred under-collection of \$43,655,995 assuming the Commission approves the stipulated PCCAM base by 10/1/23.

- *Notice of Application and Intervention Deadline* issued 10/10/23.
- *MCC Notice of Intervention* filed 10/20/23.
- Quarterly adjustment filed 12/1/23 in Docket 2023.12.098.
- *NWE Amended PCCAM Application* filed 11/17/23.
- *Procedural Order 7929a* issued 1/9/24; hearing set 6/26/24.
- [Direct Testimony of David Dismukes](#) filed 2/26/24 recommending the Commission reject NWE's proposal to include certain FERC Account 548 expenses that are not properly classified as fuel expenses and have not previously been tracked; proposing a reduction of recoverable PCCAM expenses by \$711,145.
- Quarterly adjustment filed 3/1/24 in Docket [2023.12.098](#).

NWE Property Tax Tracker, Docket [2023.12.100](#), filed 12/15/23.

- *Notice of Application and Intervention Deadline* issued 12/18/23.
- *MCC Notice of Intervention* filed 12/28/23.
- Tariff approval issued 1/19/24.

Joint Petition of NWE and Town of Philipsburg Requesting Approval for NWE to Provide Electricity Supply Service, Docket [2024.02.025](#), filed 2/20/24.

Petitioners request approval for NWE to provide electric supply service to premises owned and operated by the Town of Philipsburg and Philipsburg School District #1 pursuant to § 69-8-201(2)(a), MCA.

- *Notice of Application and Intervention Deadline* issued 2/27/24.
- *Interim Order 7935* issued 3/6/24 granting request to provide bundled retail electric service on an interim basis.

MONTANA-DAKOTA UTILITIES COMPANY (“MDU”)

MDU Electric Tracker (Rate 58), Docket [2023.06.055](#).

- *Annual Tracker Application* filed 6/16/23, July electric adjustment:
 - o Increase of \$0.00017 secondary.
 - o Total fuel and purchased power in tariff is \$0.02236 /kWh.
- *Interim Order 7895* issued 6/27/23.
- *Notice of Application and Intervention Deadline* issued 7/5/23
- August electric tracker filed 7/17/23:
 - o Increase of \$0.00102 secondary.
 - o Total fuel and purchased power in tariff is \$0.02338/kWh.
- *MCC Notice of Intervention* filed 7/24/23.
- *Procedural Order 7895a* issued 8/10/23.
- September electric tracker filed 8/17/23:
 - o Increase of \$0.00132 secondary.
 - o Total fuel and purchased power in tariff is \$0.0247/kWh.
- October electric tracker filed 9/22/23:
 - o Increase of \$0.00640 secondary.
 - o Total fuel and purchased power in tariff is \$0.0311/kWh.
- *Final Order 7895a* issued 10/18/23.
- November electric tracker filed 10/20/23:
 - o Increase of \$0.01255 secondary.
 - o Total fuel and purchased power in tariff is \$0.04365/kWh.
- MDU *Unopposed Motion for a One Month Waiver of Tariff Provision* filed 11/7/23.
- *Notice of Staff Action Waiving Tariff Filing* issued 11/15/23.
- MDU *Second Unopposed Motion for a One Month Waiver of Tariff Provision* filed 12/13/23.
- *Second Notice of Staff Action Waiving Tariff Filing* issued 12/22/23.
- MDU *Third Unopposed Motion for a One Month Waiver of Tariff Provision* filed 12/13/23.
- *Third Notice of Staff Action Waiving Tariff Filing* issued 1/26/24.
- March electric tracker filed 2/16/24:
 - o Increase of \$0.00815 secondary.
 - o Total fuel and purchased power in tariff is \$0.05180/kWh.

MDU Gas Tracker Filings (Rate 88), Docket [2023.09.084](#), filed 9/8/23.

In this annual tracker filing, MDU seeks a residential and firm general customer decrease of \$1.70/Dkt. Total residential rate of \$5.281/Dkt.

- *Notice of Application and Intervention Deadline* issued 9/18/23.
- *Interim Order 7917* issued 9/26/23.
- *MCC Notice of Intervention* filed 10/5/23.
- November gas tracker filed 10/6/23.
 - o Increase of \$0.284/Dkt for residential and general service.
 - o Total residential rate \$5.565/Dkt.
- *Procedural Order 7917a* issued 11/1/23.
- December gas tracker filed 11/8/23; no adjustment requested.
- January gas tracker filed 12/8/23.
 - o Increase of \$0.285/Dkt for residential and general service.
 - o Total residential rate \$5.850/Dkt.
- February gas tracker filed 1/8/24.
 - o Decrease of \$0.342/Dkt for residential and general service.
 - o Total residential rate \$5.508/Dkt.
- March gas tracker filed 2/22/24.
 - o Decrease of \$0.283/Dkt for residential and general service.
 - o Total residential rate \$5.225/Dkt.
- April gas tracker filed 3/8/24; no adjustment requested.

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.
- *Procedural Order 7911* issued 8/16/23.
- *Amended Procedural Order 7911a* issued 9/13/23.
- *Amended Procedural Order 7911b* issued 10/31/23.

- *Amended Procedural Order 7911d* issued 12/1/23.
- *Direct Testimony of George L. Donkin* filed 12/15/23; pointing out that pressures in the Bowdoin gas field have largely been adequate (only 7 short interruptions over 6 years among 38 customers) and have declined very little over the past 6 years; recommending the Commission reject MDU's proposed conversion reimbursement deadline of 10/31/25 in favor of no deadline; allow continuation of service as long as MDU is able to provide reasonably reliable natural gas distribution service.
- *Amended Procedural Order 7911e* issued 2/6/24.

MDU Annual Avoided Cost Update (Rate 93), Docket [2023.10.090](#), filed 10/12/23.

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

- *Notice of Application and Intervention Deadline* issued 10/25/23.
- *MCC Notice of Intervention* filed 11/13/23.
- *Procedural Order 7927* issued 11/28/23.
- *Notice of Additional Issue* issued 1/9/24.
- *Amended Procedural Order 7927a* issued 1/25/24.
- *Final Order 7927b* issued 3/12/24 approving a formula by which energy payments to QFs under 3MW will be calculated at the time of delivery.

MDU Property Tax Tracker, Docket [2023.10.089](#), filed 11/17/23.

- *Notice of Application and Intervention Deadline* issued 11/22/23.
- *MCC Notice of Intervention* filed 12/01/23.
- *NWE Compliance Filing* filed 12/22/23.

ENERGY WEST MONTANA & CUT BANK GAS COMPANY

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.
- [July gas tracker filed 6/1/23 in Docket 2023.06.048; residential rate to \$4.57/Mcf].
- August gas tracker filed 7/11/23. Residential rate to \$5.40/Mcf.
- September gas tracker filed 8/10/23. Residential rate to \$5.70/Mcf.
- October gas tracker filed 9/23/23. Residential rate to \$5.42/Mcf.
- November gas tracker filed 10/12/23. Residential rate to \$5.54/Mcf.
- December gas tracker **filed 11/13/23**. Residential rate to \$5.57/Mcf.
- January gas tracker **filed 12/13/23**. Residential rate to \$5.21/Mcf.
- February gas tracker **filed 2/12/24**. Residential rate to \$4.93/Mcf.
- March gas tracker **filed 3/12/24**. Residential rate to \$4.41/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.

- *Notice of Application and Intervention Deadline* issued 7/13/23.
- *MCC Notice of Intervention* filed 7/24/23.
- *Procedural Order 7907* issued 8/2/23.
- *Final Order 7907a* **issued 11/30/23**; errata issued 12/21/23.

EWM Application for Approval of Gas Cost Hedging for West Yellowstone, Docket [2023.06.057](#), filed 6/29/23.

EWM requests approval of a gas cost hedging plan for its West Yellowstone division, which is served by liquified natural gas. EWM proposes to use financial instruments to stabilize a portion of expected winter gas purchases for West Yellowstone each year.

- *Notice of Application and Intervention Deadline* issued 8/31/23.
- *MCC Notice of Intervention* filed 9/11/23.
- *Procedural Order 7915* issued 9/18/23.

- [*Direct Testimony of David E. Dismukes*](#) filed 11/3/23 recommending the Commission reject the proposed financial hedging program because LNG prices show little to no excessive volatility and considering the poor performance of other Montana hedging programs that have yielded questionable risk management benefits while resulting in considerable ratepayer costs.
- *Amended Procedural Order 7915a* issued 11/16/23.
- *Order 7915b Vacating Hearing* issued 2/16/24.

EWM Application for Waiver of Certain Ring-Fencing Requirements and Authorization of a Special Dividend, Docket [2023.10.091](#), filed 10/17/23.

EWM requests a waiver of the ring-fencing provision in *Final Order 7775d* in Docket 2021.01.015 that limits the amount to distribution EWM can make to its direct parent company, PHC Utilities, Inc.; it seeks approval for a one-time, special dividend in excess of 100% of net income calculated on a two-year rolling average basis to remove a legacy asset from EWM's books and reduce the overall equity in EWM's capital structure.

- *Notice of Application and Intervention Deadline* issued 11/17/23.
- *MCC Notice of Intervention* filed 12/4/23.
- *Procedural Order 7931* issued 12/28/23.
- *Default Order 7931a* issued 3/15/24.

EWM Property Tax Tracker, Docket [2023.11.097](#), filed 11/30/23.

- *Notice of Application and Intervention Deadline* issued 12/1/23.
- *MCC Notice of Intervention* filed 12/12/23.
- *EWM Compliance Tariffs* filed 12/28/23.

OTHER

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.
- *Amended Procedural Order 7825i* issued 7/12/23; hearing set 9/11/23.

- *Amended Procedural Order 7825j* issued 7/28/23.
- [MCC Direct Testimony of Dr. Robert E. Loube](#) filed 8/4/23 recommending rejection of CenturyLink's proposal and the use of the Wyoming settlement as a guide in Montana; proposing the CenturyLink be required to apply for certain federal funding to address performance issues.
- Hearing held 9/11/23.
- *Final Order 7825k* issued 3/13/24 denying CenturyLink's Petition for Waiver of ARM 38.5.3371(7)(b); rejecting both CenturyLink's and MCC's proposals; requiring monthly compliance filings listing all out-of-service trouble reports, including an explanation for any out-of-service trouble reports not cleared within 24 hours.

Aquanet-Linlee Lake Estates' Application to Implement Rates and Charges for Service in Billings, MT, Docket [2023.08.079](#), filed 8/30/23.

Based on an operating ratio methodology in ARM 38.5.2529, Aquanet-Linlee proposes to increase rates for its 92 water and sewer customers in Billings, Montana from the current rate of \$80 per month to \$156.81 per month, and to implement higher ancillary charges, including fees for disconnection/reconnection; hydrant connection; late payments; returned payments; and sprinkling restriction violations.

- *Notice of Application and Intervention Deadline* issued 9/22/23.
- *MCC Notice of Intervention* filed 10/10/23.
- *Procedural Order 7928* issued 12/8/23; hearing set 5/7/24.
- [Testimony of Paul R. Schulz](#) filed 1/26/24 recommending adjustments to water expenses, regulatory expenses, maintenance of privately-owned septic tanks, and proposed penalties for violations of lawn sprinkling restrictions; proposing a monthly rate of \$132.25 based on an operating ratio methodology.
- *Aquanet Rebuttal Testimony of William A. Steele* filed 3/7/24 proposing a monthly rate of \$178.11 based on various adjustments.

MEIC et al. Petition for Rulemaking, Docket [2024.03.028](#), filed 3/1/24.

Petitioners request a new administrative rule requiring consideration of adverse climate impacts of greenhouse gas emissions in Commission proceedings.

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 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.

- *Judicial Review Petition Order* issued 7/17/23 agreeing with inclusion of certain resources in NWE's resource stack as of the LEO date; affirming use of the marginal cost to serve load methodology; affirming zero valuation for CBC's unneeded energy; reversing reliance on expert testimony based on material that should have been disclosed; affirming use of NWE's transmission basis differential; affirming rejection of a carbon adder; reversing capacity rate based on an AERO because Commission failed to consider NWE's next planned unit; affirming use of ELCC to calculate CBC's capacity contribution; affirming previous assignment of network upgrades in prior CBC docket.

CBC Appeal to Montana Supreme Court, Case No. DA 23-0529, filed 9/15/23.

- Commission *Notice of Cross-Appeal* filed 10/18/23.
- CBC *Unopposed Motion to Dismiss* filed 12/14/23.
- Order dismissing appeal issued 12/15/23; case closed 1/4/24.

NWE Petition for LEO Rulemaking, Docket [2024.01.011](#), filed 1/4/24.

NWE requests amendments to ARM 38.5.1909 to specify how existing QFs create a legally enforceable obligation, including by demonstrating, no more than three years prior to the start of a new power purchase agreement, site control and a financial commitment to operate the facility over the term of the new agreement.

- *Notice of Opportunity to Comment* issued 1/23/24.
- *Notice of Commission Action and Opportunity for Comment* issued 2/14/24 initiating formal rulemaking.