

Montana Consumer Counsel

STATUS OF CASES

October 30, 2023

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.

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.
 - Gas supply rate increase from \$3.40 to \$3.27

- Residential Rate from \$7.68 to \$7.55
- November gas tracker **filed 10/13/22**.
 - Gas supply rate increase from \$3.267 to \$3.273
 - Residential Rate from \$7.546 to \$7.552

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.
- *MCC Notice of Intervention* filed 6/12/23.
- *Procedural Order 7887a* issued 6/21/23.
- *Final Order 7887b* **issued 8/28/23**.

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.
- *Final Order 7860y* issued 10/27/23 approving *Stipulation and Settlement Agreement*; new rates expected to go into effect 11/1/23.

Hayre 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 10/3/22.

NWE QF-1 Tariff Update Application, Docket 2023.08.076, filed 8/24/23.

- *Notice of Application and Intervention Deadline* issued 8/28/23.
- *MCC Notice of Intervention* filed 9/18/23.

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.

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 listening sessions held 6/13/23 in Helena and 6/15/23 in Miles City.
- *Stipulation and Settlement Agreement* filed 6/12/23 agreeing to an overall base revenue requirement increase of \$6,100,422; an ROE of 9.65% and the capital structure proposed by MDU; accepting depreciation rates proposed by MCC’s witness; MDU withdraws its request for recovery related to the Heskett IV gas turbine; revenue increase includes \$1.2 million of revenue attributable to annual amortization and return related to retired coal plant deferrals without any agreement as to the starting balance, amortization period or carrying costs; RTO transmission costs will continue to be recovered through base rates and will include offsetting wholesale sales revenues and renewable energy credits; property tax tracker base reset as proposed by MDU.
- *Amended Procedural Order 7876e* issued 6/13/23 vacating hearing.
- *Notice of Listening Session* issued 7/13/23; listening session held 7/25/23 in Sydney.
- *Final Order 7876f* issued 9/21/23 approving *Stipulation and Settlement Agreement*.

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 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.
- July gas tracker filed 6/8/23; no adjustment requested.
- August gas tracker filed 7/7/23.
 - o Increase of \$0.756/Dkt for residential and general service.
 - o Total residential rate \$6.982/Dkt.
- September gas tracker **filed 8/8/23**; no adjustment requested.

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.

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.
- *Procedural Order 7891* issued 6/1/23.
- *MCC Unopposed Petition for Late Intervention* filed 6/1/23.
- *Default Order 7891a* issued 8/21/23.

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

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.

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.

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**.

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**.

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.

OTHER

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.
- *MCC Notice of Intervention* filed 6/8/23.
- *Procedural Order 7888a* issued 6/9/23.
- *Default Order 7888b* issued 9/1/23.

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.
- *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.

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

Aquanet-Linlee proposes to increase its rates for water and sewer services in Billings, Montana from the current rate of \$80 per month to \$156.81 per month. It also proposes to implement certain 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.

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.

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

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.
- *Order 7881d Granting Motion for Extension of Time* issued 7/21/23.
- *Order 7881e Granting Motion for Second Extension of Time* **issued 8/22/23**.
- *Joint Motion to Approve Settlement* **filed 9/8/23**.
- *Final Order 7881f* **issued 10/17/23** dismissing Trident’s *Petition* due to lack of Commission jurisdiction over the terms of a settled QF PPA, citing § 69-3-603, MCA; *MTSUN, LLC v. Mont. Dep’t of Pul. Serv. Regulation*, ¶ 73, 2020 MT 238, 401 Mont. 324; *In re MDU’s Application*, Dkt. 2020.11.110, Order 7770a, ¶ 1 (July 29, 2021) (dismissing MDU’s Application because the Commission “lacked authority to pre-approve QF contracts for cost recovery”).
- *Order 7881g Granting Motion for Extension of Time to File Motions for Reconsideration* **issued 10/25/23**.