



September 4, 2020

*Sent via electronic mail.*

Trevor Graff  
Legislative Services, Energy and Telecommunications Interim Committee  
Helena, MT

RE: Request for Public Comment, PD0008

To the members of ETIC,

Thank you for the opportunity to comment on bill draft PD-0008, Pre-Approval Repeal Legislation. Our members are supportive of this committee bill with a few recommended changes.

As background, Northern Plains Resource Council works to inform everyday Montanans of their ability to weigh-in on the energy decisions that impact their lives and their pocketbooks. PD-0008 is very much a consumer issue, and the repeal of Mont. Code Ann. § 69-8-421 would result in fairness and increased cost transparency to the consumers of Montana. We support the repeal of pre-approval in state statute for the following reasons:

1. Mont. Code Ann. § 69-8-421 is a legacy statute from the energy deregulation and re-regulation issues of the early 2000s. A pre-approval option is not necessary for a fully re-integrated utility to function.
2. Mont. Code Ann § 69-8-421 does not apply equally to the existing investor-owned, regulated utilities in Montana. Northern Plains does not see a reason for this disparity and thus Montana law should strive to place regulated utilities on an equal playing field where possible.

As PD-0008 currently reads, utilities applying for PSC approval of a resource acquisition must conduct a competitive solicitation process. However, the bill also creates an exemption for both opportunity resources and resources meeting the short-term operational needs of the utility, not to exceed 12-months. Northern Plains Resource Council members are in favor of robust competitive solicitation processes, and would oppose the exemption of opportunity resources from the competition solicitation process. This would require an amendment to Sec. 3 subsection 5.

Thank you for your review and your commitment to improving the energy regulatory landscape of Montana.



Sincerely,

Mary Fitzpatrick  
Clean Energy Task Force Secretary  
Northern Plains Resource Council