



# LEGISLATIVE CONSUMER COMMITTEE

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## SENATE MEMBERS

Brad Molnar  
Christopher Pope

## HOUSE MEMBERS

Mary Ann Dunwell Vice-Chair  
Mike Hopkins Chair

## MINUTES LOG

September 13, 2021  
State Capitol, Room 102  
Zoom Videoconference

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

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://legmt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the "Exhibits" is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

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

## COMMITTEE MEMBERS PRESENT

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

## COMMITTEE MEMBERS EXCUSED

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Senator Christopher Pope

## MONTANA CONSUMER COUNSEL STAFF PRESENT

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Jason Brown, Staff Attorney  
Paul Schulz, Rate Analyst  
Jaime Stamatson, Economist  
Suzanne Snow, Secretary

## AGENDA

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[\(Attachment 1\)](#)

### CALL TO ORDER

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13:14:35 Chair Hopkins called the meeting to order with roll call.

[\(Attachment 2\)](#)

### APPROVAL OF MINUTES OF PREVIOUS MEETING – May 9, 2021

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13:15:30 MOTION: Vice-Chair Dunwell moved acceptance of the minutes.

VOTE: The motion passed unanimously on a voice vote.

[\(Attachment 3\)](#)

### STATUS OF CASES PENDING

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Jason Brown highlighted the cases that have seen some change in status since the Committee's last meeting. [\(Attachment 4\)](#)

13:17:48 NWE Application for Preapproval of Capacity Resources, Docket [2021.02.022](#), filed 5/19/21

Committee Discussion

13:21:55 Vice-Chair Dunwell asked Jason Brown to clarify that the battery storage facility in Yellowstone would not result in an increase in residential bills.

13:23:20 Senator Molnar expressed his concern about all the different pieces of NorthWestern's proposal, and where those different pieces might appear in rates.

### PUBLIC COMMENT

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13:28:57 Jeff Smith, 350 Montana

13:35:39 Carla Abrams

13:38:40 Patricia Ames

### STATUS OF CASES PENDING continued

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13:43:24 NWE Annual Power Costs and Credits Adjustment Mechanism ("PCCAM") Filing, Docket [2020.08.091](#), filed 9/1/20.

13:46:13 NWE Annual PCCAM Filing, Docket [2021.09.112](#), filed 8/31/21.

13:46:57 NWE “Application to Update Base Power Costs and Credits in the PCCAM,” Docket [2021.04.047](#), filed 4/21/21.

Committee Discussion

13:51:39 Vice-Chair Dunwell asked if NorthWestern’s request to update the base power costs and credits was unprecedented.

13:53:07 Vice-Chair Dunwell asked if the Montana Consumer Counsel (MCC) would intervene in the NorthWestern PCCAM docket 2021.09.112 - filed 8/3/21.

13:53:56 NWE 2020 Gas Tracker, Docket [2020.07.083](#)

13:54:39 NWE 2021 Gas Tracker, Docket [2021.07.098](#)

13:55:19 NWE Annual USB Tracker, Docket [2021.03.038](#), filed 3/31/21.

13:55:39 NWE Petition for Waivers from Community Renewable Energy Project Purchase Requirement for 2017-2020, Docket [2021.04.055](#), filed 4/19/21.

13:56:40 NWE Request for Partial Waiver of In-Person Notice, Docket [2021.08.109](#), filed 8/19/21.

13:57:15 Townsend Propane Annual Gas Tracker, Docket [2021.04.051](#), filed 4/30/21.

13:57:44 Havre Pipeline Co. Annual Gas Tracker, Docket [2021.07.103](#), filed 7/30/21.

13:58:12 MDU Electric Tracker (Rate 58), Docket [2020.06.075](#).

13:58:37 MDU Electric Tracker (Rate 58), Docket [2021.06.091](#), filed 6/16/21

13:59:16 MDU Gas Tracker Filings (Rate 88), Docket [2020.09.095](#), filed 9/8/20.

13:59:51 MDU Annual Gas Conservation Tracker Filing (Rate 90), Docket [2021.04.046](#), filed 3/31/21.

14:00:44 Apex Solar, LLC Petition to Set Terms and Conditions, Docket [2019.11.091](#), filed 11/8/19.

14:02:16 Caithness Beaver Creek, LLC Petition to Set Terms and Conditions, Docket [2019.06.034](#), filed 6/12/19  
Caithness Petition for Judicial Review, First Judicial District Cause No. CDV 2020-290, filed 3/9/20.

14:04:40 Jawbone Holdings, LLC Petition to Set Terms and Conditions, Docket [2020.12.126](#), filed 12/30/20.

14:05:07 NWE Request for Immediate Waiver of ARM 38.5.1910(2), Docket [2021.04.060](#), filed 4/27/21.

14:06:19 NWE Application for Approval of QF Interconnection Procedures and Agreements, Docket [2021.08.106](#), filed 8/4/21

- 14:06:57 South Dry Creek Partnership Petition for Declaratory Ruling, Docket [2020.12.125](#), filed 12/29/20.
- Committee Discussion
- 14:08:03 Vice-Chair Dunwell noted that the MCC would intervene in docket 2021.04.060 – NorthWestern’s request for immediate waiver of the requirement to calculate avoided costs within 20 days for hybrid renewable battery QFs and inquired into the currently approved method.
- 14:10:20 MDU Application for Approval of Fallon Solar Energy Purchase Agreement, Docket [2020.11.110](#), filed 11/5/20
- 14:13:17 MDU Annual Avoided Cost Update (Rate 93), Docket [2020.10.103](#), filed 10/1/20.
- 14:14:05 EWM/CBGC Joint Application for Approval of Sale and Transfer of Stock, Docket [2021.01.015](#), filed 1/26/21.
- 14:18:40 EWM Monthly Gas Trackers, Docket [2021.04.061](#)
- 14:19:07 EWM Annual Gas Cost Tracker, Docket [2021.06.082](#), filed 6/1/21
- 14:19:40 EWM Annual USB Tracker, Docket [2021.06.083](#), filed 6/1/21.
- 14:21:07 CBGC Annual Gas Cost and USB Tracker, Docket [2021.04.045](#), filed 3/31/21
- 14:21:31 North Star Development Application for Water and Sewer Rate Increase, Docket [2010.06.060](#), filed 1/23/19.  
North Star Appeal to Montana Supreme Court, Case No. DA 21-0224, filed 5/12/21
- 14:24:48 Investigation of Rules, Practices, and Adequacy of Service of North Star Development, LLC, Docket [2020.09.094](#), initiated 9/1/20.
- 14:28:31 Circle H Water, Inc. Operating Ratio Application, Docket [2020.07.081](#), filed 7/17/20
- 14:29:54 AquaFlo Application to Increase Water and Sewer Rates, Docket [2020.10.100](#), filed 9/30/20
- 14:30:29 Wettington Water District, Inc., Application for Standard Rates, Docket [2015.10.082](#), filed 10/19/15.
- 14:31:18 ABACO Energy Services Application to Establish Service Rates, Docket [2020.07.082](#), filed 7/16/20.
- 14:32:55 Qwest d/b/a CenturyLink Petition for Elimination of Performance Assurance Plan and Performance Indicator Definitions, Docket [2021.07.102](#), filed 7/13/21
- 14:34:40 Starlink Services, LLC Application for Designation as Eligible Telecommunications Carrier (“ETC”), Docket [2021.01.005](#), filed 1/4/21.

Blackfoot Communications, Inc. Application for ETC Designation as an Eligible Telecommunications Carrier, Docket [2021.01.006](#), filed 1/5/21

InterBel Telephone Cooperative, Inc. Petition for Designation as an Eligible Telecommunications Carrier, Docket [2021.02.020](#), filed 2/16/21.

Committee Discussion:

14:35:17 Vice-Chair Dunwell asked whether the QF dockets, referenced earlier in the status of cases, related to larger QFs, and not roof top solar customers.

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PUBLIC COMMENT

No additional public comment was offered at this time.

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FINANCIAL REPORT

14:37:50 Jason Brown reviewed the budget versus expenditure report, dated September 7, 2021, which accounted for the first two months of fiscal year 2022.

14:39:30 Jason Brown gave a brief overview of the Department of Revenue's handout.

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CONTRACTED SERVICES

14:40:30 Jason Brown requested authorization from the committee to retain the services of the following consultants:

2021.07.102 – Qwest/CenturyLink – Petition to Eliminate Performance Assurance Plan and Performance Indicator Definitions  
Rolka Loube, LLC – Robert Loube

2021.09.112 – NWE – Annual PCCAM Application  
Acadian Consulting Group, LLC – David Dismukes

2021.02.022 – NWE – Application for Preapproval of Capacity Resources  
Resolve Utility Consulting, PLLC – David J. Garrett  
Garrett Group, LLC – Mark Garrett

14:45:45 MOTION: Chair Hopkins moved to approve the retention of consultants as per the request made by the Consumer Counsel.

VOTE: The motion passed unanimously on a voice vote after a brief recess due to technical difficulties.

## NEXT MEETING

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15:00:50      The date of the next meeting was set for Monday, October 4, 2021, at 1 p.m.

## ADJOURNMENT

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15:03:35      There being no other matters before the Committee Chair Hopkins adjourned the meeting.