MONTANA PUBLIC SERVICE COMMISSION UPDATE TO THE ENERGY & TECHNOLOGY INTERIM COMMITTEE STATUS OF DOCKETS

September 2026

1. NorthWestern Energy

2026 Integrated Resource Plan – Docket 2026.04.026

- Mont. Code Ann. § 69-3-1204 requires electric utilities to file a plan at least every three years for cost-effectively meeting the requirements of its customers over the long-term.
- On April 28, 2026, NorthWestern filed its 2026 Integrated Resource Plan (IRP). NorthWestern's last IRP was filed in April 2023.
- NorthWestern states that its 2026 IRP provides a comprehensive, forward-looking framework to guide how the Company will meet customer needs over the next 20 years.
- The 2026 IRP evaluates multiple long-term futures and looks at how different assumptions for fuel prices, the costs of alternative supply technologies, load growth, and environmental rules could affect the cost of electricity supply services.
- The 2026 IRP looks at how various future scenarios would affect total supply costs, including early Colstrip retirement scenarios, transmission investment scenarios, and large-load customer scenarios.
- Within 120 days of receiving a complete IRP, the Commission is required to review the plan, publish a copy of the plan, provide at least 60 days for public comments, and hold two public meetings.
- The Commission may comment on the plan and identify deficiencies.
- Mont. Code Ann. § 69-8-1204(6) authorizes the Commission to retain consulting services to assist in processing a utility's IRP.
- On April 21, 2026, the Commission authorized the Department to contract with GDS Associates to provide an independent evaluation of NorthWestern's 2026 IRP and whether it complies with the Commission's rules and industry best-practices.
- The Commission held two listening sessions on the IRP: July 21 at 6:00 PM and July 23 at 6:00 PM.
- The Commission received written comments from approximately 400 members of the public and the following stakeholder organizations: the Montana Department of Environmental Quality, Friends of Two Rivers, Renewable Northwest, NW Energy Coalition, and Earthjustice on behalf of Bridger Bowl Ski Area, Butte Watchdogs for Social and Environmental Justice, Climate Smart Missoula, Families for a Livable Climate, Helena Interfaith Climate Advocates, Honor the Earth, Montana Conservation Voters

Education Fund, Montana Environmental Information Center, Montana Health and Climate, Montana Renewable Energy Association, Montanans for Affordable Energy, NW Energy Coalition, Park County Environmental Council, Protect our Winters, Sierra Club Montana Chapter, and 350 Montana.

- On August 31, 2026, the Commission issued a Notice of Commission Action identifying five instances where the 2026 IRP does not satisfy the Commission's minimum requirements and providing NorthWestern 30 days to correct the deficiencies.

Large New Load Tariff Rule – Docket 2026.04.023

- On March 31, 2026, NorthWestern filed an application for approval of a Large New Load Tariff Rule.
- NorthWestern states the purpose is to create a standardized framework for serving new or expanded electric loads of 5 MW or more, including data centers.
- The proposed tariff rule differentiates between large new loads that are less than 50 MW and those 50 MW or more, which it defines as "Very Large Customers" requiring Commission review and approval of customer-specific electric service agreements.
- The proposed tariff rule does not include a new rate class for data centers.
- The proposed standard process framework includes:
    - Development agreements that require customer funding for feasibility, engineering, transmission, and resource adequacy studies;
    - A queue process to sequence the studies and agreements;
    - A reservation agreement to hold existing supply capacity or advance development or acquisition of new capacity; and
    - Electric service agreements specifying load levels, ramp-up periods, minimum demand and energy billing, security, curtailment, and customer-specific cost responsibilities.
- NorthWestern initially proposes to bill large new load customers under existing tariff schedules and to evaluate the need for a separate rate class in future general rate cases.
- The application describes several components designed to prevent cost-shifting and stranded costs, including minimum service commitment periods, minimum demand and energy billing requirements, early termination fees, and performance assurance/collateral requirements.
- On June 5, 2026, the Commission issued a notice of application setting an intervention deadline of June 19, 2026.
- Eight parties have intervened. The Consumer Counsel filed notice of its intervention and the Commission received petitions to intervene from Large Customer Group, Northwest & Intermountain Power Producers Coalition, DEQ, Missoula County, City of Missoula, Tony O'Donnell, and a joint petition from Big Sky 55+, Butte Watchdogs for Social and

Environmental Justice, Climate Smart Missoula, Helena Interfaith Climate Advocates, Honor the Earth, Montana Environmental Information Center, and NW Energy Coalition.

- The Commission received a request to consolidate this docket and Docket 2025.11.084, a complaint regarding NorthWestern's data center activities (summarized below), and to clarify and expand the scope of Docket 2026.04.023.
- The Commission is reviewing the requests to consolidate and expand the scope.
- No change in status since July ETIC meeting.

NorthWestern – Black Hills Energy Merger – Docket 2025.10.078

- On October 20, 2025, NorthWestern Energy Group and Black Hills Corporation ("Merger Parties") together with NorthWestern Corporation d/b/a NorthWestern Energy ("NorthWestern") filed a joint application for approval of merger ("Application").
- According to the Application, through the merger NorthWestern Group will become a direct subsidiary of Black Hills and NorthWestern will remain a direct subsidiary of NorthWestern Group such that the existing holding company structure for NorthWestern will not change.
- The Application states that the merger is a stock-for-stock transaction that does not require refinancing of existing indebtedness or an increase in debt for either company.
- The joint applicants state that the merger will strengthen the companies' ability to modernize, maintain critical infrastructure, and weather financial and geopolitical risks while reducing expenses by creating a single leadership team and providing greater access to cost-effective capital to support future investments.
- The Commission noticed receipt of the application on November 3, 2025, and set a deadline for intervention of November 17, 2025.
- The Montana Consumer Counsel provided notice of its intervention on November 17, 2025. The Commission received petitions to intervene from the Large Customer Group, Laborers Local 1686, IBEW Local 44, City of Missoula, Missoula County, 350 Montana, Montana Farmers Union, Energy Share, and Montana Renewable Energy Association/Northwest Energy Coalition/Renewable Northwest (Joint Environmental Advocates).
- Intervenors filed testimony on February 9, 2026.
- Generally, the intervenors argued that the Commission should impose conditions on any approval of the merger to protect customers and workers.
- The Consumer Counsel stated that the transaction will result in new costs and potential capital planning and rate risks without adequate commitment to protect Montana customers. The Consumer Counsel recommended conditions that require shareholders to bear all transaction costs, prohibit recovery of goodwill or an acquisition premium from customers, add reporting requirements, preserve existing ring-fencing provisions, and require post-closing accounting of merger-related costs.

- Laborers Local 1686 stated the merger could expand infrastructure investment and jobs, but the application does not state a commitment to maintain existing contractor, safety, and training practices.
- City of Missoula and Missoula County raised concerns about increasing energy burdens for citizens and risks related to disinvestment, reliability, and clean energy commitments.
- Large Customer Group acknowledged potential benefits, but also significant risks related to merger costs and affiliate transactions. It recommended conditions focused on cost transparency and reasonableness. It also recommended joint resource planning and investigation of joint operations to deliver cost and reliability benefits to Montana customers.
- Montana Farmers Union expressed concerns that the merger will raise rates, shift the risks of large new loads such as data centers to existing customers, and weaken accountability to rural communities.
- 350 Montana opposed the merger. It expressed concerns about the financial impacts of large new load customers, higher rates from cross-subsidization, disinvestment, reliability risks, and weaker environmental/decarbonization commitments.
- 350 Montana filed motions to dismiss the case, compel answers to discovery, and stay the proceedings.
- On March 16, 2026, the joint applicants filed rebuttal testimony.
- The joint applicants argued that the merger is not an acquisition, but a merger of equals. They stated the merger satisfies the Commission's *no-harm-to-customers* and *public-interest* standards. They rejected comparisons with past acquisitions, mergers, and the bankruptcy and stated intervenor claims of harm are not supported by evidence. They reiterated commitments to remove risk factors, such as merger costs or goodwill, while retaining existing ring-fencing. They asserted issues associated with data centers should be addressed in separate proceedings and they opposed many of the conditions recommended by intervenors as overly prescriptive, unnecessary, and inconsistent with historical merger standards.
- On April 22, 2026, the joint applicants filed several settlement agreements with various intervenors including: City of Missoula, Missoula County, Consumer Counsel, Large Customer Group, and Local 1686.
- Through the settlement agreement with the City of Missoula and Missoula County, joint parties commit to working with local governments on a green power program.
- In the settlement with Consumer Counsel and Large Customer Group joint applicants commit that they will not seek to recover merger transaction costs, goodwill, acquisition premium, transition costs, "golden parachute," change-in-control, separation, severance, retention, or rebranding costs from Montana customers. They also agree to an updated set of ring-fencing provisions and to provide reports comparing actual and

budgeted capital spending for 2026-2027 and accounting information for the merger transaction. Joint applicants commit to providing a cost allocation manual for shared services and an evaluation of potential transmission and generation coordination among the merged entities. Finally, joint applicants will provide a one-time lump sum bill credit to Montana customers of NorthWestern Energy, NorthWestern Great Falls Gas, and NorthWestern Cut Bank Gas totaling $10 million within 90 days of closing.

- In the settlement with Local 1686, joint parties agree to continue contracting practices that include maintaining union contractors and to continue prudent investments in safety, growth projects, and capital investments in compliance with applicable federal and Commission rules.
- On April 27, 2026, the joint applicants filed a settlement agreement with another party, Joint Energy Advocates (Montana Renewable Energy Association, NW Energy Coalition, and Renewable Northwest).
- Through the settlement with Joint Energy Advocates, the joint parties commit to evaluations of demand-side management (DSM) and distributed energy resource (DER) opportunities and management-level meetings with DSM, DER, and low-income stakeholders.
- Joint applicants also commit to conducting a review of peer utilities and best practices for estimating network upgrade and interconnection costs and their applicability to NorthWestern's system. In addition, NorthWestern will appoint one member from Joint Energy Advocates to its Electric Technical Advisory Committee.
- On May 1 and 5, 2026, IBEW Local 44 and Energy Share, respectively, filed notices that they do not oppose the merger and requested to be excused from the remainder of the proceeding.
- The Commission held a public hearing May 12-15, 2026.
- On June 5, 350 MT filed a motion to reopen the hearing to admit additional evidence.
- Post-hearing briefing was completed on July 13, 2026.
- In July and August the Commission received numerous pleadings regarding the motion to reopen the hearing and a motion by the Joint Applicants for redactions of confidential information and sanctions for the disclosure of confidential materials. Those motions were addressed at an out of cycle work session on September 4, 2026.
- Pursuant to the Montana Administrative Procedures Act, the Commission has 90 days from July 13 to issue a decision but may extend that period by 30 days for good cause.

Electric and Natural Gas Rate Case – Docket 2024.05.053

- In July 2024 NorthWestern filed a combined electric and natural gas rate case based on a 2023 test year.
- NorthWestern proposed to increase rates for electric service by $69.4 million, comprised of an increase in base revenue requirements of $156.5 million, a decrease in

flow-through supply revenue of $94.5 million, and an increase in property taxes of $7.4 million. NorthWestern's proposed revenue adjustments included a request to recover its investment in the Yellowstone County Generating Station ("YCGS").

- NorthWestern estimated the total impact of its electric revenue request would be an increase of $9.11, or 8.28%, in the monthly bill for a residential customer using 750 kilowatt-hours per month.
- NorthWestern requested an interim electric rate increase effective October 1, 2024. The interim request would increase the monthly bill for a residential customer using 750 kilowatt-hours per month by $2.09, or 1.9%.
- NorthWestern proposed to increase rates for natural gas service by $28.9 million, comprised of an increase in base revenue requirements of $28.63 million and an increase in property taxes of $0.24 million.
- NorthWestern estimated the total impact of its natural gas revenue request would be an increase of $8.84, or 16.98%, in the bill for a residential customer using 65 therms per month.
- NorthWestern requested an interim natural gas rate increase effective October 1, 2024. The interim request would increase the monthly bill for a residential customer using 65 therms per month by $4.81, or 9.28%.
- NorthWestern stated that by the end of 2024, investments in electric and natural gas facilities placed into service since its last rate case would exceed $1 billion.
- Montana Consumer Counsel, Montana Large Customer Group, Walmart, Federal Executive Agencies, Natural Resources Defense Council/Northwest Energy Coalition/District XI Human Resource Council/Montana Environmental Information Center (Joint Parties), Northern Cheyenne Tribe, Renewable Northwest, and University of Montana intervened.
- MEIC filed an objection to NorthWestern's request for interim rates. On September 5, 2024, the Commission issued a notice establishing a September 13, 2024, deadline for other parties to respond to NorthWestern's request for interim rates and a deadline of September 20, 2024, for NorthWestern to submit its reply.
- On November 26, 2024, the Commission issued Interim Order 7968e, which granted, in part, NorthWestern's requested interim rates.
- In January 2025, intervening parties filed testimony and NorthWestern filed additional issues testimony addressing natural gas hedging and automatic natural gas interim rate adjustments. The intervenors contested various aspects of NorthWestern's Application, including, but not limited to: several proposed balancing accounts for business technology costs, regulatory compliance costs for the Colstrip plant, and wildfire mitigation costs; the prudence of investments in YCGS; the calculation of base PCCAM costs; a proposed standby service tariff; the proposed return on equity; depreciation

rates; the proper allocation of costs among customer classes; and the reasonableness of the rate design.

- In March 2025, NorthWestern filed rebuttal testimony and intervenors filed cross-answering testimony.
- On March 24, 2025, NorthWestern and several intervening parties filed settlements regarding revenue requirements and allocated costs of service for NorthWestern's natural gas utility, an electric standby service tariff, and engagement and planning with the Northern Cheyenne Tribe regarding operations at Colstrip. NorthWestern also filed a motion for revised natural gas interim rates.
- On April 14, 2025, NorthWestern and several intervening parties filed a partial settlement regarding revenue requirements and allocated costs of service for NorthWestern's electric utility, excluding YCGS. NorthWestern also filed a motion for revised electric interim rates.
- On April 16, 2025, the Commission issued an amended procedural order to provide for an opportunity to conduct discovery on the electric settlement, which was filed after the deadline the Commission had established in a prior order.
- On May 1, 2025, NorthWestern filed tariffs to self-implement the rates requested in its original application effective May 23, 2025, pursuant to Mont. Code Ann. § 69-3-302.
- On May 19, 2025, NorthWestern withdrew its motion for revised electric and natural gas interim rates.
- On May 23, 2025, NorthWestern self-implemented the electric service rates it had requested in its original application pursuant to authority granted in Mont. Code Ann. § 69-3-302. Those self-implemented rates resulted in an increase in the monthly bill of a residential customer using 750 kWh of $8.13, or 7.4%, compared to rates in July 2024.
- The Commission held a public hearing from June 9 – 18, 2025.
- On June 20, 2025, NorthWestern filed revised, self-implemented electric service rates to reflect the electric settlement. NorthWestern cited prior Commission precedent authorizing a utility to self-implement settlement rates. The settlement rates result in an increase in the monthly bill of a residential customer using 750 kWh of $4.62, or 4.2%, compared to rates in July 2024.
- On July 2, 2025, the Commission processed NorthWestern's revised electric service rates.
- Post-hearing briefing was completed on August 26, 2025.
- On December 24, 2025, the Commission issued its final order. Among other things, the final order:
    - Approved the natural gas stipulation, with adjustments to production asset revenue requirements for 2025 and 2026, consistent with prior orders,
    - Approved the partial electric stipulation, with additional requirements for the stipulated wildfire mitigation balancing account,

    - Approved a PCCAM base cost of approximately $119 million and suspended the sharing mechanism pending reevaluation in a separate docket,
    - Approved a YCGS rate base of approximately $246 million, which reflects a downward adjustment of approximately $42 million compared to NorthWestern's request to rate base approximately $288 million,
    - Approved a stipulation between NorthWestern and the University of Montana establishing standby rates applicable to the University,
    - Approved a stipulation between NorthWestern and the Northern Cheyenne Tribe involving engagement on future Colstrip matters,
    - Required NorthWestern to maintain its low-income stakeholder group to evaluate affordability.
- The Commission directed NorthWestern to submit compliance tariffs for rate changes effective February 1, 2026, and established a process for parties to request reconsideration and/or reply to requests from other parties, which ran through February 6, 2026.
- NorthWestern and the Joint Parties each filed motions for reconsideration in January 2026.
- NorthWestern asked the Commission to reconsider its disallowance of YCGS costs, a requirement for a benefit-cost analysis in the Wildfire Mitigation Balancing Account, and a limitation on the availability of a standby-service tariff to the University of Montana. NorthWestern also asked the Commission to clarify its decision regarding suspension of the 90/10 sharing in PCCAM.
- Joint Parties also asked the Commission to reconsider its disallowance of YCGS costs, arguing for a total disallowance of all costs. Joint Parties asked the Commission to retain the 90/10 sharing component in the PCCAM and set a lower PCCAM base.
- Large Customer Group, Renewable Northwest, and the Joint Parties filed a response to NorthWestern's motion and NorthWestern filed a response to the Joint Parties' motion.
- NorthWestern and the Joint Parties both filed replies.
- The Commission is currently evaluating the motions, responses, and replies.
- A Commission work session is currently anticipated during the fourth quarter of 2026, at which the Commission will consider and make determinations regarding the pending motions, responses, and replies.
- No change in status since the July 2026 ETIC meeting.

2025 Annual PCCAM Filing – Docket 2025.09.063

- On August 29, 2025, NorthWestern filed its annual Power Costs and Credits Adjustment Mechanism (PCCAM) application.
- The 2025 filing reflects power supply costs and revenues for the period July 1, 2024, through June 30, 2025.

- Concurrent with its application, NorthWestern filed a motion requesting to waive certain provisions in its PCCAM tariff to enable the Company to exclude a portion of the revenue from wholesale sales of energy attributable to the addition of the Avista share of Colstrip, which NorthWestern acquired effective January 1, 2026. NorthWestern also proposed excluding Colstrip fuel costs equivalent to the volume of wholesale sales it proposed to exclude.
- NorthWestern stated that the purpose of its motion is to allow it to offset fixed operation and maintenance expenses associated with the Avista share until NorthWestern can include those expenses in base rates in a future rate filing.
- On October 15, 2025, the Consumer Counsel and MEIC/Sierra Club intervened.
- The Commission issued a procedural order setting a November 10, 2025, deadline to respond to NorthWestern's motion.
- The Commission held oral arguments on the motion on December 9, 2025.
- On January 14, 2026, the Commission issued a Notice of Additional Issues asking the parties to address the benefits and detriments of the 90/10 sharing component of the PCCAM and alternative means to set the PCCAM base and deferred rates.
- On January 29, 2026, the Commission temporarily granted NorthWestern's motion to waive tariff provisions.
- The Commission intends to gather additional evidence regarding the adjustment proposed in the motion during the pendency of the case.
- Stipulations or settlements are due September 25, 2026.
- A hearing in this docket is anticipated in December 2026.

Transfer of Puget Sound Energy Colstrip Agreement – Docket 2025.12.089

- On December 12, 2025, the Commission initiated an investigation into the transfer of an agreement between NorthWestern Energy and Puget Sound Energy under which NorthWestern would acquire Puget's 370 MW share of the Colstrip plant.
- The agreement, which was announced in July 2024, was transferred to an unregulated subsidiary of NorthWestern Energy Group in October 2025.
- The investigation will examine whether the transfer comports with requirements the Commission established in its approval of NorthWestern's corporate reorganization (2022.06.064), and whether the transfer raises affiliate interest concerns.
- On May 5, 2026, the Commission approved a formal notice of investigation, which includes a series of questions to NorthWestern related to affiliate interest issues that could arise from joint ownership of the Colstrip plant by NorthWestern and an unregulated affiliate, including operational priorities, cost allocations, and cost transparency.

- The Commission directed NorthWestern to submit a response within 30 days of the issuance of the notice.
- On June 12, 2026, the Commission granted NorthWestern an extension to June 29, 2026, to respond to the Commission's notice.
- The Commission is currently reviewing NorthWestern's response.

Petition for Alternative Method for FERC 302 Filings – Docket 2024.07.071

- Regulations of the Federal Energy Regulatory Commission ("FERC") implementing the Public Utility Regulatory Policies Act ("PURPA") require NorthWestern to file with the Commission every two years data from which NorthWestern's avoided costs can be calculated. *See* 18 C.F.R. § 292.302.
- The regulations require avoided energy cost data for blocks of purchases no larger than 100 MW during daily and seasonal peak and off-peak periods for the filing year and each of the next five years. Avoided capacity cost data must reflect NorthWestern's plan for capacity additions and retirements and for purchases of firm energy and capacity for the next 10 years and must include estimated capacity and energy costs for each unit of planned capacity additions and firm purchases.
- The regulations allow the Commission to substitute alternative data for the data specified in the regulations if the Commission determines that avoided costs can be derived from such data.
- On July 1, 2024, NorthWestern filed a petition requesting that the Commission substitute an alternative methodology for deriving avoided cost data.
- NorthWestern states that FERC amended its PURPA regulations in December 2020 to allow state regulatory authorities to require avoided cost of energy rates in long term contracts with qualifying facilities ("QF") to vary based on when the QF delivers energy. *See* FERC Order 872.
- The Commission subsequently amended its rules in September 2022 to require contract rates based on the avoided cost of energy at the time delivery of QF energy.
- NorthWestern requested that the Commission substitute energy price data from the Western Energy Imbalance Market ("WEIM") for the avoided energy cost data required in FERC's regulations.
- For avoided capacity cost data NorthWestern requested that the Commission substitute data based on the results of the Peaker Method for the data required in FERC's regulations. Under the Peaker Method, avoided capacity cost data is based on the least cost capacity resource identified in NorthWestern's most recent integrated resource plan.
- NorthWestern also proposed to provide data on the estimated capacity contribution for various types of QF resources based on the capacity accreditation methodology used by the Western Resource Adequacy Program.

- On July 26, 2024, the Commission publicly noticed NorthWestern's petition and provided an intervention deadline of August 12, 2024.
- The Consumer Counsel and Hydrodynamics intervened.
- On August 26, 2024, the Commission issued a procedural order setting dates for discovery and a deadline of October 15, 2024, for parties to submit testimony and/or request additional process.
- Neither the Consumer Counsel nor Hydrodynamics prefiled testimony regarding NorthWestern's petition.
- In October 2024 Hydrodynamics filed motions to dismiss and stay the proceedings. Hydrodynamics argued that this case should not be processed as a contested case but rather as a rulemaking proceeding.
- In November 2024 the Commission denied the motion to dismiss and determined that the motion to stay was moot.
- The Commission held a hearing in May 2025. Briefing was completed in July 2025.
- No change in status since the July 2026 ETIC meeting.

Update of Standard PURPA Rates – Docket 2023.08.076

- In August 2023 NorthWestern filed an application to update its QF-1 tariff schedule, which provides standard rates for purchases by NorthWestern of energy and capacity from QFs under PURPA.
- FERC's regulations require utilities to offer standard rates for QFs 100 kilowatts (kW) or smaller but provide state regulatory commissions the discretion to require standard rates for larger facilities.
- The Commission's rules require utilities to offer standard rates for QFs as large as 3 megawatts (MW).
- In its application, NorthWestern proposed to offer standard rates for contract lengths up to 20 years. It proposed energy rates based on market prices in the Western Energy Imbalance Market at the time a QF delivers energy. It proposed capacity rates that are fixed for the duration of the contract and based on the estimated costs of constructing a new natural gas peaking plant. It also proposed implementing a standard, off-the-shelf contract to streamline the PPA negotiation process.
- Hydrodynamics and Greenfields Irrigation District (jointly) and the Consumer Counsel intervened.
- Proceedings were delayed due to the resignation of a NorthWestern witness, which resulted in NorthWestern refiling testimony.
- In July 2024 Hydrodynamics and Greenfields Irrigation District filed intervenor testimony opposing several aspects of NorthWestern's application, including the proposal to set avoided energy rates based on Western Energy Imbalance Market prices at the time of QF's energy deliveries, the method used to calculate avoided capacity costs, the

capacity accreditation calculations, interconnection requirements, and multiple contract provisions.

- The Commission held a public hearing in October 2024.
- The Commission issued its final order in May 2025 granting in part and denying in part NorthWestern's application. The Commission set the avoided energy rates using Western Energy Imbalance market prices, modified NorthWestern's calculation of avoided capacity costs, modified the capacity accreditations, and generally approved NorthWestern's proposed contract terms.
- In June 2025, NorthWestern and the QF intervenors filed motions for reconsideration of the Commission's final order. The Commission is currently evaluating those motions.
- No change in status since the July 2026 ETIC meeting.

Application for Waiver of CREP Requirements, on Remand - Dockets 2016.04.033 & 2017.08.065

- Prior to 2021, Montana law imposed a renewable energy standard that required electric utilities to supply a percentage of their retail load with energy from renewable resources and to contract for specific amounts of renewable generation capacity with Community Renewable Energy Projects ("CREP").
- The law allowed utilities to apply to the Commission for a short-term waiver from compliance with the renewable energy standard. To grant a waiver, the Commission was required to find that a utility had taken all reasonable steps to comply but was unable to comply due to factors outside the utility's control. Additionally, utilities were not required to comply with the standard if the cost of compliance exceeded statutorily defined cost caps.
- In September 2018 the Commission issued an order in these consolidated dockets granting a request by NorthWestern for a short-term waiver of the requirement to purchase energy and associated renewable energy credits from CREPs for the years 2015 and 2016, pursuant to Mont. Code Ann. § 69-3-2004 (2018, now repealed).
- One of the parties in the proceeding, MEIC, appealed the decision arguing that the Commission should not have approved the requested waivers because NorthWestern had not shown that it had taken all reasonable steps to comply.
- The Court issued a decision in March 2024, remanding the case to the Commission with instructions to conduct further proceedings and determine the administrative penalty NorthWestern must pay for failure to comply with the CREP requirements for the 2015 compliance year. The penalty is not recoverable from customers and must be deposited in the universal system benefits low-income energy assistance fund.
- For the 2016 compliance year, the Court directed the Commission to determine whether the method NorthWestern used to calculate the cost cap, which relied on avoided cost modeling, reasonably approximates the statutory cost cap, which was

based on competitive bids for the equivalent quantity of energy for the equivalent contract term from other electricity suppliers.

- In October 2024, NorthWestern and MEIC filed a joint motion for declaratory ruling asking the Commission to rule on two threshold legal issues before proceeding with an evidentiary hearing to resolve the issues remanded to the Commission.
- The threshold legal issues are whether the now-repealed penalty provision controls the Commission's assessment of a penalty in this case and whether the Commission can consider information after the compliance year to calculate any appropriate penalty.
- On May 22, 2025, the Commission issued a declaratory ruling concluding that the now-repealed penalty provision controls the Commission's decision in this case and that only information from before March 31 of the year following the compliance year can be used to calculate the appropriate penalty.
- No change in status since the July 2026 ETIC meeting.

2. Montana-Dakota Utilities

Electric Rate Case – Docket 2025.09.072

- On September 30, 2025, MDU filed an application to increase rates for electric services.
- MDU requested a total increase of 14.1 million in base rate revenue.
- MDU's application affects approximately 25,000 electric customers in Montana.
- Under MDU's proposal, a typical residential customer would see an increase to their monthly electric bill of about $19, or 21.5%.
- MDU also asked the Commission to authorize an interim rate increase that would increase the monthly bill of a typical electric customer by about $14 per month.
- According to MDU's application, the primary causes of its need to raise rates are capital investments in its system including, but not limited to, acquisition of the Badger Wind project, the associated increase in depreciation expenses, and increased operating and maintenance costs.
- The Commission provided public notice of MDU's application on November 4, 2025.
- The Montana Consumer Counsel and Denbury Onshore have intervened.
- On December 16, 2025, the Commission denied MDU's request for an interim rate increase.
- On December 26, 2025, MDU asked the Commission to reconsider its interim rates decision.
- On March 10, 2026, the Commission issued a Notice of Additional Issues to gather evidence on the merits of automatic interim rates for annual fuel and purchased power tracking adjustments and elimination of 90/10 sharing.
- On March 19, 2026, the Commission issued an Interim Order authorizing MDU to implement its proposed interim rates effective April 1, 2026.

- The intervenors testified that the Commission should authorize a smaller annual revenue increase, compared to MDU's request.
- The Consumer Counsel testified that MDU requires an annual increase of about $2.3 million, while Denbury Onshore proposed an increase of about $4.2 million.
- Both intervenors' largest adjustments are related to the same items: MDU's cost of capital and MDU's proposed method for adding the Badger Wind project to rate base (end-of-period or average).
- Both intervenors also challenged aspects of MDU's allocated class cost of service study and opposed MDU's proposal for new tracking mechanisms for: 1) RTO transmission service charges, 2) transmission system capital investments, and 3) wildfire risk mitigation expenses.
- On April 10, 2026, MDU filed rebuttal testimony opposing the intervenors' adjustments and providing additional arguments in support of its requests.
- On May 7 and May 29, 2026, the parties filed joint motions requesting an extension to the deadline for filing settlements, which the Commission granted.
- On June 5, 2026, the Commission received an all-party settlement resolving all contested issues in the proceding.
- Under the settlement, MDU's annual electric revenue requirement would increase by $10 million inclusive of property taxes. The increase reflects an allowed return on equity of 9.65% and results in an increase to residential class revenue of 14.8%.
- On June 26, 2026, the Commission vacated the public hearing that had been scheduled to begin July 15, 2026.
- On July 28, 2026, the Commission held a listening session to allow the public to comment on MDU's Application and the settlement agreement. No comments were received.

3. PURPA Implementation

Yellowstone Energy Limited Partnership (YELP) Petition – Docket No. 2024.04.047

- In April 2024 Yellowstone Energy Limited Partnership petitioned the Commission to establish terms and conditions for sales of electricity from YELP's electric generating facility to NorthWestern Energy.
- YELP is an existing QF located in Lockwood, Montana. The facility has a nameplate capacity of 65 MW and produces energy using petroleum coke. YELP's current contract with NorthWestern was executed in 1991 and expires at the end of 2028.
- YELP stated in its petition that it was unable to agree with NorthWestern on certain contract terms and avoided cost rates, including the appropriate proxy resource to be used to determine the rate for capacity and the capacity accreditation method used to determine NorthWestern's capacity need.

- NorthWestern and the Consumer Counsel intervened in the proceeding.
- In July 2024 NorthWestern filed intervenor testimony agreeing with YELP's proposal for setting avoided energy rates and opposing YELP's calculation of the avoided cost of capacity and its proposal for measuring delivered capacity.
- The Commission held a public hearing in September 2024.
- The Commission issued its final order in March 2025.
- In April 2025 NorthWestern and YELP each filed motions for reconsideration.
- The Commission is currently evaluating the motions.
- No change in status since the July 2026 ETIC meeting.

Greenfields Irrigation District (GID) Petition – Docket No. 2026.06.037

- In June 2026 Greenfields Irrigation District petitioned the Commission to establish terms and conditions to set the proper point of delivery for the Arnold Coulee Hydroelectric Project, a 3 MW Qualifying Facility.
- Greenfields Irrigation District is a localized public entity and political subdivision operating north of Great Falls. It seeks a predictable, bankable power purchase agreement for the output of Arnold Coulee with NorthWestern Energy. Negotiations stalled on identification of a point of delivery.
- GID wants to deliver Arnold Coulee power to NorthWestern at Bole Substation. Arnold Coulee interconnects with a Sun River Coop line that runs to Bole Station. NorthWestern wants the power delivered to its system at Great Falls so that its customers won't incur incremental scheduling and transmission costs to ship the Arnold Coulee Power across third-party ownership and multiple jurisdictions (SREC, WAPA, SPP).
- A hearing is scheduled for October 20, 2026.

4. Telecommunications Regulation

Investigation into Telephone Number Conservation – Docket 2025.08.062

- On August 26, 2025, the Commission initiated an investigation into the feasibility, benefits, and costs of telephone number conservation through rate center consolidation.
- The investigation is the latest step in an ongoing effort by the Commission to preserve Montana's single 406 area code.
- Increased telecommunications competition and demand for numbering resources along with the method used to assign telephone numbers to service providers is putting pressure on available telephone numbers using the 406 area code.
- Currently, the 406 area code is projected to become exhausted in 2033.

- Rate center consolidation has been used with some success in other states.
- The Commission requested comments by October 3, 2025, on whether it could be implemented cost-effectively in Montana.
- The Commission received comments from CenturyLink, the Alliance for Telecommunications Industry Solutions, and CTIA (representing the wireless communications industry).
- On March 4, 2026, after considering the public comments, the Commission asked Qwest Corp. to provide an analysis by April 15, 2026, of LATA-wide consolidation of its rate centers in each of Montana's two LATAs.
- On April 1, 2026, Qwest filed a request for a 30-day extension of the deadline to provide its analysis, which the Commission granted on April 9.
- On May 22, 2026, Qwest filed a motion for protective order. Qwest states that information responsive to the Commission request for an analysis of rate center consolidation is trade secret, which is information that endeavors to keep secret, is not readily ascertainable by proper means and derives independent economic value or competitive advantage from its secrecy. According to Qwest, the information includes revenue impact such as toll revenue, intrastate-intra-LATA access revenue, and private line/special access/business data service revenue that would benefits its competitors.
- Commission action on the motion for protective order is pending.
- No change in status since the July 2026 ETIC meeting.

Investigation into the Adequacy of Infrastructure of CenturyLink – Docket 2021.12.136

- In December 2021, the Commission initiated an investigation into the adequacy of legacy infrastructure operated by Qwest Corporation d/b/a CenturyLink QC.
- The investigation is based on formal and informal consumer complaints alleging that the infrastructure serving rural areas of CenturyLink's service territory is inadequate, resulting in long service outages, inability to access 911 services, and falsely initiated calls to 911 services.
- The Commission consolidated Docket 2021.12.136 with Docket 2021.10.137, involving a request by CenturyLink for temporary waiver of performance requirements for addressing service outages.
- The Consumer Counsel intervened in the consolidated docket in February 2022.
- The Commission issued a Notice of Investigative Procedures that established a discovery period and a deadline for comments and requests for further process.
- On May 27, 2022, the Consumer Counsel issued discovery to CenturyLink.

- On June 3, 2022, the Commission issued a procedural order modifying previous deadlines in the case and establishing a deadline of July 29, 2022, for written comments and requests for additional process.
- On July 8, 2022, CenturyLink filed a motion requesting a 30-day continuance, in part to allow it to pursue settlement options with the Consumer Counsel.
- In August 2022 the Consumer Counsel requested further extension because it had not yet received and reviewed certain confidential material requested in discovery.
- The Consumer Counsel submitted its comments in September 2022.
- CenturyLink responded to the Consumer Counsel's comments in October 2022.
- On November 2, 2022, the Commission directed CenturyLink to submit a proposal for resolving the service quality issues in the proceeding because CenturyLink had indicated it would consider subsidizing subscriptions to third-party provided service for rural customers that do not currently receive reasonable and adequate service from CenturyLink.
- CenturyLink submitted its proposal in December 2022.
- In February 2023, the Commission issued discovery to CenturyLink regarding several aspects of the proposal.
- The Commission held a public hearing on CenturyLink's proposal in September 2023.
- In post-hearing briefing, CenturyLink argues that the investigation has not revealed service quality issues, the service restoration requirements are no longer appropriate, and CenturyLink's proposal satisfied the Commission's request.
- On March 13, 2024, the Commission issued its final order. The Commission was not persuaded that its service restoration rules are obsolete and, in any case, modifying or repealing the rule would require a rulemaking process so findings regarding the rule in these consolidated dockets would be inappropriate.
- The Commission further found that CenturyLink does not comply with the service restoration rules and the costs required to upgrade facilities and provide sufficient staffing do not appear financially feasible. Consequently, the Commission determined CenturyLink's service is not reasonably adequate.
- Regarding CenturyLink's proposal to subsidize third-party provided service for rural customers, the Commission found the record lacked sufficient evidence that such third-party service would yield reasonably adequate services at just and reasonable rates.
- As an alternative to CenturyLink's proposal, the Consumer Counsel recommended requiring CenturyLink to apply for funding through the Broadband Equity Access and Deployment (BEAD) Program, which is designed to upgrade the most rural areas of the country to broadband services.
- Regarding the Consumer Counsel's recommendation, the Commission noted that BEAD funding cannot be assured and absent a waiver of the program requirement for CenturyLink to provide 25% of the cost of upgrading the network, BEAD funding may be

insufficient to make the investments economical. While it declined to order CenturyLink to apply for BEAD funding, the Commission stated that such an application may be in CenturyLink's best interest.

- CenturyLink filed a motion for reconsideration of the Commission's final order on March 22, 2024. CenturyLink asked the Commission to reconsider its decision not to accept CenturyLink's proposal and to direct Commission staff to engage in discussions with the parties with the aim of developing a mutually acceptable resolution of the matter.
- On May 29, 2024, the Commission issued a Notice of Commission Action appointing certain Commission staff to engage in negotiations with CenturyLink. The Commission directed that negotiation be completed by July 31, 2024, and that any agreement reached would be subject to review and approval by the Commission.
- Commission staff subsequently informed the Commission that negotiations could not be completed by the July 31 deadline.
- On July 30, 2024, the Commission issued a Notice of Commission Action extending the deadline to August 30, 2024. On September 2, 2024, the Commission further extended the deadline to September 30.
- On November 1, 2024, the Commission's Executive Director and CenturyLink agreed on a draft Joint Stipulation and Settlement Agreement ("Agreement").
- On November 13, 2024, the Commission issued a Notice and Opportunity to Comment, requesting public comment on the draft Agreement by December 2.
- On January 6, 2025, the Commission issued Order 7825l approving and executing the Agreement.
- CenturyLink has begun making compliance filings with the Commission pursuant to the Agreement. The Commission is reviewing the filings to ensure CenturyLink's compliance.
- No change in status since the July 2026 ETIC meeting.

5. Other dockets and non-dockets

Complaint Regarding NorthWestern Energy Service to Data Centers – Docket 2025.11.084

- On November 17, 2025, the Commission received a complaint filed by: Big Sky 55+, Butte Watchdogs for Social and Environmental Justice, Climate Smart Missoula, Golden Triangle Resource Council, Helena Interfaith Climate Advocates, Honor the Earth, Montana Environmental Information Center, Montana Public Interest Research Group, and Northwest Energy Coalition.
- The complainants allege NorthWestern's practices related to serving large-load data centers are unreasonable, insufficient, and contrary to Mont. Code Ann. § 69-8-201(1) and the Commission's interpretation of that statute in Docket 2022.09.087.

- The complainants assert NorthWestern plans to provide electricity supply service to new data centers without first obtaining a no-adverse-impact determination from the Commission and without an approved large-load/data center tariff that protects existing ratepayers from cost shifting and stranded-asset risk.
- The complainants request that the Commission initiate a contested case to apply Mont. Code Ann. § 69-8-201(1), direct NorthWestern not to serve large-load customers until the Commission makes the statutory no-adverse-impact finding, create a separate data center customer class, and develop mandatory tariff terms for large loads.
- Concurrently with the filing of their complaint, complainants filed a petition for declaratory ruling on the meaning of Mont. Code Ann. § 69-8-201.
- On February 3, the Commission determined that the complaint substantially complied with the requirements of the Commission's procedural rules. The Commission directed NorthWestern to satisfy or answer the complaint within 20 days.
- On February 24, 2026, NorthWestern filed a motion to dismiss arguing that it has not violated Mont. Code Ann. § 69-8-201(1) because no data center is currently purchasing electricity supply service and only non-binding letters of intent and development agreements exist. NorthWestern states the complaint is not ripe because it challenges potential future conduct rather than an existing "act" or "practice" within the meaning of Mont. Code Ann. § 69-3-321(1).
- NorthWestern also contends that an intent to execute future contracts is not actionable under the complaint statute, that any executed electric service agreements will include Commission approval as a condition precedent, and that the appropriate forum for examining large-load impacts will be a future large-load tariff filing and contract review docket.
- On March 16, 2026, the complainants filed a motion to compel NorthWestern to answer the complaint and a brief opposing NorthWestern's motion to dismiss.
- On April 15, 2026, NorthWestern filed a reply in support of its motion to dismiss.
- On April 24, 2026, complainants filed a reply in support of their motion to compel NorthWestern to answer.
- On May 13, 2026, complainants filed a motion asking the Commission to consolidate their complaint with Docket 2026.04.023, NorthWestern's application for approval of a Large New Load Tariff Rule. NorthWestern filed a response opposing consolidation on June 16, 2026. On June 13, 2026, complainants requested additional time to reply to Northwestern's response.
- The Commission continues to evaluate the complaint, petition for declaratory ruling, and the various motions.

Wildfire Mitigation Plans

- In 2025, the Commission received five wildfire risk mitigation plans from NorthWestern Energy, Montana-Dakota Utilities, Colstrip Transmission System, Avista Utilities, and Black Hills Power.
- The Commission reviewed and approved the plans of NorthWestern Energy, Montana-Dakota Utilities, and Colstrip Transmission System.
- On August 18, 2026, in Docket 2025.12.088, the Commission issued a Notice of Commission Action returning the Avista Utilities wildfire mitigation plan to the utility because the plan does not include Montana-specific system information, risk mitigation plans, and cost details.
- The Commission provided Avista 45 days to correct the deficiencies.
- At its business meeting on August 10, 2026, in Docket 2026.01.009, the Commission deferred action on Black Hills Power's wildfire mitigation plan and directed Commission staff to prepare a draft Notice of Commission Action addressing Montana-specific system information, risk mitigation plans, and cost details.

North Star Application for Water Rate Increase – Docket 2025.10.073

- On September 30, 2025, North Star Development, LLC filed an application to increase rates for water and sewer services.
- North Star's application was filed under the Commission's rules for simplified regulatory treatment for privately-owned water utilities. The rules establish a utility's authorized revenue for purpose of setting rates based on an operating ratio method.
- North Star proposed to increase its fixed monthly water charge from $55.93 to $65.00 per month.
- North Star also proposed to increase its volumetric rate from $2.00 per 1,000 gallons to $8.00 per 1,000 gallons and reduce the volume of water included with the fixed monthly charge from 10,000 gallons to 7,000 gallons.
- On October 10, 2025, North Star amended its application to include ancillary fees for violations of the Company's lawn sprinkling policies.
- The Commission has determined that North Star's application complies with Commission filing requirements.
- On May 12, 2026, the Commission provided notice to North Star's customers of North Star's application.
- On August 6, 2026, the Montana Consumer Counsel filed its notice of intervention.

Investigation into Resource Adequacy and Risk Profiles in the Montana and Regional Electricity Supply – Docket 2022.09.087

- On August 30, 2022, the Commission voted to initiate an investigative docket on resource adequacy and risks to the electrical supply of the State of Montana.
- On September 20, 2022, the Commission issued a Notice of Investigative Docket and Opportunity to Comment.
- In the Notice, the Commission described that the purpose of the investigation is to determine the size and scope of resource adequacy issues facing Montana and the Western Region. The Commission intended to use the docket as a catalyst and a forum for ongoing discussions about resource adequacy issues.
- In October 2022, the Commission received written comments from NorthWestern Energy, Friends of 2 Rivers, Department of Environmental Quality, Colstrip Energy Limited Partnership, and the Northwest Independent Power Producers Coalition. In November 2022, the Commission received supplemental comments from Northwest Energy Coalition.
- In December 2022, the Commission hosted a two-day conference with regional regulators and other interested stakeholders focused on resource adequacy issues.
- The Commission and its staff continue to research and participate in regional planning for resource adequacy.
- In mid-January 2024 Montana and the broader Pacific Northwest experienced an extreme cold weather event that lasted for several days. NorthWestern's system set a new system peak demand record and recorded its highest sustained peak load. Market prices for wholesale electricity approached the $1,000 per MWh cap set by the Western Electricity Coordinating Council. Just ahead of the most severe weather, a portion of the Colstrip generating plant was off-line for maintenance.
- The Commission determined that this event provided an opportunity to further examine resource adequacy and associated risks for Montana customers.
- On January 30, 2024, the Commission sent a letter to NorthWestern requesting that the Company provide a range of information regarding the operation of its system for the period January 8 – 18, 2024.
- NorthWestern provided the information on February 20, 2024, and the Commission held an informational meeting with NorthWestern on March 6, 2024.
- In December 2024, NorthWestern publicly announced plans to supply electricity to two data center customers with combined loads that could reach up to 400 MW within five years.
- Because those new large data center loads would significantly increase NorthWestern's total retail load and resource needs and affect the allocation of costs among NorthWestern's existing customers, the Commission requested that NorthWestern provide additional detail regarding the data center loads as well as its interpretation of

Mont. Code Ann. § 69-8-201, which addresses service to new large loads for utilities that had previously restructured during the deregulation era.

- NorthWestern provided its response in March 2025. Other stakeholders offered comments regarding NorthWestern's response in May 2025.
- At its business meeting on September 2, 2025, the Commission approved sending a reply to NorthWestern's March 2025 letter. In its reply, the Commission disagreed with NorthWestern's interpretation of Mont. Code Ann. § 69-8-201 and outlined its expectation for NorthWestern to inform prospective data center customers that they are not required to purchase supply from NorthWestern. The Commission requested that NorthWestern provide further information of how NorthWestern and data center customers will adhere to the statutory requirements governing service to large load customers.
- On September 17, 2025, NorthWestern submitted its response to the Commission's March 2025 letter. NorthWestern requested a protective order for the letters of intent with data centers. NorthWestern stated that it disagreed with the Commission's interpretation of Mont. Code Ann. § 69-8-201, but indicated that it intended to file an application with the Commission to establish tariff terms and conditions for service to data center customers.
- In October 2025 the Commission received joint comments from Montana Environmental Information Center, Honor the Earth, and Northwest Energy Coalition objecting to NorthWestern's request for a protective order. The Commission also received comments from Sabey Data Center Properties supporting NorthWestern's request.
- On December 2, 2025, the Commission issued a protective order covering certain information in the letters of intent.
- On December 30, 2025, NorthWestern submitted the letters of intent.
- On February 20, 2026, the Commission received joint comments from Big Sky 55+, Butte Watchdogs for Social Justice, Climate Smart Missoula, Helena Interfaith Climate Advocates, Honor the Earth, Montana Environmental Information Center, and Northwest Energy Coalition. The joint commenters contend that NorthWestern's September 17, 2026, response is inadequate because it fails to provide relevant documents and agreements, some of which have been referenced publicly.
- On March 11, 2026, the joint commenters filed a motion challenging the Commission's December 2, 2025, protective order.
- No change in status since the July 2026 ETIC meeting.

PURPA Section 111(d) – Docket 2022.09.084

- The Infrastructure Investment and Jobs Act of 2021 ("IIJA") amended Section 111(d) of the Public Utility Regulatory Policies Act ("PURPA") to require that states consider measures to promote greater electrification of the transportation sector, including the

establishment of utility rates that:
    - Promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;
    - Improve the customer experience associated with electric vehicle charging, including by reducing charging times;
    - Accelerate third-party investment in electric vehicle charging; and
    - Appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.
- Pursuant to Section 112 of PURPA, state regulatory authorities, such as the Commission, must commence consideration of these potential measures by November 2022.
- The IIJA contains similar provisions for demand response resources/programs.
- On August 23, 2022, the Commission voted to initiate a proceeding to investigate these provisions of the IIJA. Through the proceeding the Commission will obtain information and opinions from regulated utilities and the public relevant to the Commission's consideration of utility rates that meet IIJA criteria.
- A Notice of Opportunity to Comment was issued on September 2, 2022.
- The Commission received comments from BroadbandMT in October 2022. No other comments were received.
- No further action has been taken on the docket to date.
- No change in status since the July 2026 ETIC meeting

Request for Information on ETAC Process – Not Docketed

- During the Commission's business meeting on July 23, 2024, the Montana Environmental Information Center ("MEIC") provided public comments asserting that NorthWestern Energy's Electric Technical Advisory Committee ("ETAC") does not comply with Mont. Code Ann. § 69-3-1208 because it is not broad-based, as required by the statute.
- MEIC also expressed concerns that NorthWestern is not complying with Commission rules that require ETAC meeting to be open to the public whenever possible.
- Subsequently, the Commission also received written public comments from Renewable Northwest and Montana Renewable Energy Association ("MREA") expressing similar concerns.
- As a result of those public comments, the Commission sent a letter to NorthWestern on July 30, 2024, requesting a written response to the public comments. The Commission specifically requested that NorthWestern explain how its ETAC membership complies with Mont. Code Ann. § 69-3-1208.
- Regarding compliance with Commission rules, the Commission requested that NorthWestern "document when [it] initiated the process of developing its next integrated resource plan, how many meetings with the ETAC have occurred in that

process, how may ETAC meetings have been open or closed, in whole or in part, to the public, and the process NorthWestern used to decide whether to ETAC meetings would be open or close to the public, including how NorthWestern engaged its ETAC in that process."

- On August 9, 2024, NorthWestern provided its written response. NorthWestern stated that it established a broad-based ETAC that complies with Mont. Code. Ann. § 69-3-1208. NorthWestern maintained that the ETAC reflects a balance of interests and expertise from consumer advocacy groups, government agencies, business concerns, and academia in areas such as residential affordability, economic development, environmental quality, regional power and transmission markets, consumer interests, and regulatory oversight.
- NorthWestern also stated that it is in the beginning stages of assembling and organizing the ETAC and a workplan for the next integrated resource plan, including meetings with stakeholders and the public.
- NorthWestern stated that the Commission's rules allow ETAC meetings to be closed when necessary for a complete review, evaluation, or recommendation. NorthWestern explained that it initiated a new three-year ETAC meeting process in December 2023 via a Zoom call during which it engaged the ETAC about closing the upcoming March and June meetings. NorthWestern stated that the benefits of closing those meetings included ensuring that ETAC could formalize and develop a stakeholder and public engagement timeline, and ensure their recommendations are effective and well-considered before stakeholder and public engagements.
- Following receipt of NorthWestern's response, the Commission received joint written public comments from MEIC, Renewable Northwest, and MREA expressing skepticism regarding NorthWestern's stated justification for closing recent ETAC meetings and questioned the size and makeup of the ETAC. They requested that NorthWestern maintain a webpage that provides information regarding scheduled ETAC meetings, whether they are open to the public, meeting agendas, and non-proprietary materials provided to and discussed with the ETAC.
- In September 2024 the Commission voted to initiate an investigation into the ETAC process.
- No change in status since the July 2026 ETIC meeting.

Petition for Rulemaking regarding Consideration of Climate Impacts – Docket 2024.03.028

- On February 28, 2024, the PSC received a petition requesting the PSC to initiate rulemaking pertaining to the PSC's consideration of adverse climate impacts from greenhouse gas emissions.

- The petition argues that Montanans have a fundamental constitutional right to a clean and healthful environment, which includes climate as part of the environmental life-support system, that greenhouse gas emissions from burning fossil fuels causes climate impacts in the state of Montana, and that the PSC makes consequential decisions that affect utility investments in fossil fuel-burning power plants.
- The petitioners ask the PSC to adopt proposed rules that make explicit the need for the PSC to consider and act on the climate consequences of its decisions.
- The petitioners also seek declarations from the PSC that: (1) the Montana Constitution imposes an affirmative obligation on the PSC to consider the harmful climate consequences of its decisions to prevent constitutional harm and protect Montanans' fundamental right to a clean and healthful environment; and (2) the statutory and regulatory framework governing the PSC's regulation of public utilities instructs it to make decisions in the public interest that ensure just and reasonable utility rates; these standards require the PSC to consider climate change and its harmful effects in Montana in the context of its regulatory duties.
- The petitioners comprise a group of 42 Montana organizations, businesses, and individuals.
- Pursuant to Mont. Code Ann. § 2-4-315 and Mont. Admin. R. 1.3.308, the PSC has 60 days to either deny the petition in writing or initiate rulemaking proceedings.
- On March 19, 2024, the Commission provided public notice of the petition and scheduled a public hearing to gather additional viewpoints and advice of interested persons pursuant to Mont. Code Ann. § 2-4-304.
- On April 8, 2024, the Commission held a public hearing to accept oral comments. The Commission established a written comment deadline of April 12, 2024. The Commission received over 800 written and oral comments regarding the petition.
- Based on the Petition, the Petitioners' presentation at the public hearing, and public comments, the Commission was left with several unanswered questions.
- On April 30, 2024, the Commission issued a Notice of Extended Opportunity to Comment, which invites the Petitioners and any other interested parties to provide further written comment on the proposed rule, including but not limited to responses to specific questions regarding the effect and implications of the proposed rule stated in the Notice. The extended deadline for comment is July 1, 2024.
- On June 11, 2024, the Petitioners filed for a Writ of Mandate in the Fourth Judicial District Court, which the Court denied.
- On September 19, 2025, the Commission issued an order denying the Petitioners' request for declaratory ruling. The Commission determined that it is not authorized to issue declarations interpreting the Montana Constitution. The Commission also declined to declare that various statutes governing Commission proceedings require consideration of climate change impacts. The Commission found that the declarations

requested by the Commission would require the Commission to violate rules of statutory construction.

- In September 2025, the Petitioners requested reconsideration of the Commission's order.
- The Commission is evaluating the Petitioners' request.