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

July 14, 2026

1. *Noland v. State of Montana, et al.*, Cause No. DV-15-2022-0001308-CR (Mont. 11th Jud. Dist. Court)

- The Montana Department of Justice is representing the State in this case.
- This matter concerns the constitutionality of the state's statutory system of garbage hauling regulation. The Montana Motor Carrier Act allows existing garbage haulers to protest applications for new authority and requires that the Commission consider whether public need for a new authority exists. Plaintiff alleges that state law and Commission precedent unconstitutionally interfere with his ability to start a garbage hauling business.
- On February 8, 2024, the District Court granted summary judgment to the State, which Noland appealed.
- On December 23, 2025, the Montana Supreme Court reversed the District Court's denial of Plaintiff 's facial constitutional challenge because the decision was incorrectly based on the outcomes of prior applications instead of the application process itself.
- The Supreme Court affirmed the District Court's denial of Plaintiff's as-applied constitutional challenge due to Plaintiff's lack of standing because Plaintiff voluntarily withdrew from the application process before it was finished.
- The case has been remanded to the Flathead County District Court. The Court ordered supplemental briefing and scheduled oral argument for July 14, 2026.

2. *Allied Waste Services of N.A. v. Mont. Pub. Serv. Comm'n and MT Roll Offs, LLC*, Cause No. DV-25-2025-76-JR (1st Jud. Dist. Court)

- On February 5, 2025, Allied Waste Services d/b/a Republic Services of Montana (Republic) filed a petition for judicial review of the Commission's decision to grant garbage hauling authority to MT Roll Offs, LLC. The authority at issue is for construction roll-off service in Yellowstone, Carbon, Stillwater, Musselshell, and Golden Valley counties.
- Republic argues the Commission was without jurisdiction to issue its final order in the docket, that the Commission's decision was not supported by substantial evidence, and that MT Roll Offs did not meet its evidentiary burden to prove the required elements for a Class D Certificate of Public Convenience and Necessity.

- The District Court heard oral argument from the parties April 20, 2026, and the case has been submitted for a final decision.

3. *Brad Molnar v. Greg Gianforte, in his official capacity as Governor, and Jennifer Fielder, in her official capacity as a PSC Commissioner*, Cause No. ADV-2025-535 (1st Jud. Dist. Court)

- The PSC is represented by outside counsel in this case.
- In the underlying complaint, Molnar requested, among other things, attorney's fees and costs and injunctive relief finding the PSC Response Team's August 2025 complaint to the Governor to be procedurally invalid.
- On September 4, 2025, the Court issued a Temporary Restraining Order preventing the Governor for taking any action on the August 2025 complaint.
- On October 10, 2025, the Court issued an Order denying Molnar's Motion for Preliminary Injunction.
- On December 26, 2025, the Governor issued a decision denying the PSC Response Team's August 2025 complaint.
- No substantive developments in this case have occurred since and the issue of attorney's fees and costs remains pending.

4. *Allied Waste Services of N.A. v. Mont. Pub. Serv. Comm'n and L&L Site Servs., Inc.*, Cause No. DV-25-2026-04-JR (1st Jud. Dist. Court)

- On January 5, 2026, Republic Services of Montana filed a petition for judicial review of the Commission's grant of garbage hauling authority to L&L Site Services, Inc. d/b/a Grizzly Disposal and Recycling (L&L).
- On June 29, 2026, Republic submitted a Stipulation to Dismiss the case, which is awaiting Court approval.

5. *Brad Molnar v. Jeff Welborn, Jennifer Fielder, and Annie Bukacek, in their official capacities as PSC Commissioners*, Cause No. CV-26-41-H-BMM (U.S. District Court, District of Montana, Helena Division)

- The PSC is represented by outside counsel in this case.
- In the underlying complaint, Molnar requested, among other things, attorney's fees and costs and declaratory and injunctive relief. Molnar argues that, in imposing a remote work requirement against him on May 6, 2026, the defendant Commissioners retaliated against Molnar for exercising his U.S. Constitution first amendment free speech right to criticize PSC actions.
- On May 11, 2026, the Court issued a Temporary Restraining Order requiring that Molnar be allowed in the PSC hearing room and have the opportunity to participate as a

Commissioner for the duration of the NorthWestern Energy/Black Hills merger proceeding.

- On June 25, 2026, the Court issued an Order denying Molnar's Motions for Preliminary Injunction and Expedited Discovery. The Court ordered that the parties submit a joint discovery plan on or before July 15, 2026.

6. *Brad Molnar v. Montana Public Service Commission; Jeff Welborn, Jennifer Fielder, and Annie Bukacek, in their official capacities as PSC Commissioners; and Greg Gianforte, in his official capacity as Governor*, Cause No. ADV-25-2026-0475 (1st Jud. Dist. Court)

- The PSC is represented by outside counsel in this case.
- On July 9, 2026, the Governor issued a decision on the PSC Response Team's May 2026 complaint against Molnar. The Governor found good cause to suspend Molnar, pursuant to Mont. Code Ann. § 69-1-113. The Governor suspended Commissioner Molnar for one year without pay, effective immediately, with his return contingent on the completion of required trainings.
- In a July 13, 2026 Amended Complaint, Motion for Temporary Restraining Order, and Expedited Motion for Preliminary Injunction Molnar requests, among other things, that defendants be restrained from enforcing the Governor's July 9 decision. Molnar also requests that the Governor be restrained from appointing a temporary replacement Commissioner. Molnar argues that the PSC's Response Team proceedings, culminating in the Governor's decision, violated his state constitutional right to due process.