

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DOCKET NO. UE-200115

EXH. JRT-4

JASON R. THACKSTON

REPRESENTING AVISTA CORPORATION

NorthWestern Energy
Docket No. 2019.12.101
CU4 Capacity Acquisition

Natural Resources Defense Council (NRDC)
Set 1 (001-019)

Data Requests received May 19, 2020

NRDC-009 Re: Ownership and Operation Agreement provisions
Witness: Barnes

If the transaction, as originally filed, is approved by the Commission, NorthWestern Energy would own 55 percent of Colstrip Unit 4. Would this mean that NorthWestern Energy would hold 55 percent of “total Project Shares,” as that term is used in Section 13(f) of the Ownership and Operation Agreement? Please explain.

RESPONSE:

Not all the time. The Ownership and Operation Agreement restricts the number of votes to five on any given issue. NorthWestern currently shares a 30% vote with Talen. If the 185-MW transaction is approved, then NorthWestern would share an additional 25% vote with Puget. It is conceivable, at times, that NorthWestern could exercise both shared votes for a total of 55% (30% + 25%) depending on the particular proposal considered. These shared votes would not satisfy the Operator and two Owner provision of 13(f).