

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**GREEN POWER EXPRESS LP**     )  
  )  
  )             Docket No.   ER09-681-000

**THE MONTANA PUBLIC SERVICE COMMISSION’S  
NOTICE OF INTERVENTION**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. § 385.214 (2008), the Secretary’s February 12, 2009 Combined Notice of Filings, and the Secretary’s February 26, 2009 Extension of Time, the Montana Public Service Commission (“MPSC”) hereby provides its notice of intervention in Docket No. ER09-681-000

**I.       COMMUNICATIONS**

The MPSC designates the following persons for service and communications with respect to this matter and requests that their names be placed on the official service list for this proceeding:

Al Brogan, Esq.  
Staff Attorney  
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The MPSC further requests that a copy of all pleadings, correspondence and testimony be sent to the following:

Verna Stewart  
Commission Secretary  
Montana Public Service Commission  
P.O. Box 202601  
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## **II. INTERVENING PARTY**

Under Montana law, the MPSC is the state commission designated by statute with jurisdiction over rates and service of electric utilities in the state. *See* 69 Mont. Code Ann. Ch. 3.

## **III. TIMELINESS**

Rule 210 of the Rules of Practice and Procedure of the Commission provides that filings made within the time prescribed in a notice given by the Secretary will be considered timely. On February 26, 2009, the Secretary issued a Notice of Extension of Time establishing March 6, 2009 as the deadline for filing comments. This Notice of Intervention is timely filed.

## **IV. INTEREST**

The MPSC has not formulated a position with respect to the proposed project. However, the MPSC regulates two utilities that may be impacted by this proposed project: Montana Dakota Utilities (MDU) and NorthWestern Corporation d/b/a NorthWestern Energy (NWE). MDU is a member of Midwest Independent System Operator (MISO) and may be affected by MISO's cost allocation as it applies to this project. MDU's Montana ratepayers within the MISO footprint could be responsible for significant costs for a project of which they are not the cost causers and

from which they will likely receive neither a direct nor an indirect benefit. One of the MPSC's interests in this docket is to ensure that rates paid by MDU's Montana ratepayers are just and reasonable. According to news reports, one of ITC's supporters in this project is NWE. The MPSC has an interest in ensuring that NWE does not take any action that might impair its financial health and lead to an inability to provide reasonably adequate service at just and reasonable rates.

**V. CONCLUSION**

WHEREFORE, the MPSC hereby submits its notice of intervention in the captioned proceedings.

Respectfully submitted,

MONTANA PUBLIC SERVICE COMMISSION

By: /s/ Al Brogan

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Dated: March 6, 2009

Its Attorneys

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing document by electronic mail upon each party on the official service list compiled by the Secretary in this proceeding.

Dated at Helena, MT, this 6th day of March 2009.

/s/ Al Brogan