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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

**PORTLAND GENERAL ELECTRIC
COMPANY; AVISTA
CORPORATION; PACIFICORP; and
PUGET SOUND ENERGY, INC.,**

Plaintiffs,

v.

**NORTHWESTERN CORPORATION;
TALEN MONTANA, LLC, AUSTIN
KNUDSEN, in his official capacity as
Attorney General for the State of Montana**

Defendants.

No. 21-cv-00047-BLG-SPW-KLD

**STATEMENT OF STIPULATED
FACTS**

**FILED UNDER LOCAL RULE
16.2(b)(3)**

The parties, Portland General Electric Company, Avista Corporation, PacifiCorp, Puget Sound Energy (collectively, “Plaintiffs” or the “PNW Owners”), NorthWestern Corporation (“NorthWestern”), Talen Montana, LLC (“Talen Montana”), and Austin Knudsen in his official capacity as the Attorney General for the State of Montana (“Attorney General Knudsen”), by and through

their respective attorneys of record, submit the following Statement of Stipulated Facts as required by Local Rule 16.2(b)(3) and the Court's January 7, 2022, Order (Doc. 149).

1. Avista Corporation ("Avista") is an investor-owned utility that serves customers in eastern Washington, northern Idaho, and parts of Oregon. Avista also serves a small number of electric customers in Montana. Avista is a Washington corporation with its principal place of business in Washington.
2. PacifiCorp's business unit, Pacific Power, is a utility based in Oregon that serves customers in Oregon, northern California, and southeastern Washington. PacifiCorp's business unit, Rocky Mountain Power, is a utility based in Utah that serves customers in Utah, Wyoming, and southeastern Idaho. PacifiCorp is an Oregon corporation with its principal place of business in Oregon.
3. Portland General Electric Company ("PGE") is an investor-owned utility based in Oregon that serves residential and business customers in Oregon. PGE is an Oregon corporation with its principal place of business in Oregon.
4. Puget Sound Energy, Inc. ("PSE") is an investor-owned utility based in Washington that serves customers primarily in western Washington. PSE is a Washington corporation with its principal place of business in Washington.

5. NorthWestern is an investor-owned utility based in South Dakota that serves customers in Montana, South Dakota, Nebraska, and Yellowstone National Park. NorthWestern is a Delaware corporation with its principal place of business in South Dakota.
6. Talen Montana, a Delaware limited liability company, is a wholly owned subsidiary of Talen Montana Holdings, LLC, which is a wholly owned subsidiary of Talen Energy Supply, LLC, which is a wholly owned subsidiary of Talen Energy Corporation, which is a Delaware corporation with its principal place of business in Texas.
7. Austin Knudsen is the Attorney General for the State of Montana.
8. The PNW Owners filed the instant action on May 4, 2021, in the United States District Court for the District of Montana, Billings Division. They filed a First Amended Complaint on May 19, 2021. (Doc. 32.) Talen Montana, NorthWestern, and Attorney General Knudsen filed answers. (Docs. 40, 58, & 64.)
9. On May 27, 2021, the PNW Owners filed a Motion for Preliminary Injunction seeking to enjoin Attorney General Knudsen from enforcing Senate Bill 266 against them. (Doc. 37.)
10. The Court held oral argument on the Motion for Preliminary Injunction on August 6, 2021.

11. The PNW Owners filed a Motion to Consolidate on June 3, 2021, to consolidate Case No. 1:21-cv-00047-SPW-KLD (*Portland General Electric Company, et al. v. NorthWestern Corporation, et al.*) with Case No. 1:21-cv-00058- SPW-TJC (*Talen Montana, LLC v. Avista Corporation, et al.*), both pending before the United States District Court for the District of Montana, Billings Division. (Doc. 44.)
12. On August 17, 2021, the PNW Owners filed a Motion for Partial Summary Judgment on their first, second, and third claims challenging Senate Bill 265. (Doc. 88.)
13. On October 29, 2021, the PNW Owners filed a Motion for Partial Summary Judgment on their fourth and fifth claims challenging Senate Bill 266. (Doc. 102.)
14. Attorney General Knudsen filed a motion to stay proceedings regarding Senate Bill 266. (Doc. 116.) In the alternative, Attorney General Knudsen sought a six-month extension to respond to the pending summary judgment motion concerning Senate Bill 266 or a stay of summary judgment proceedings pending the outcome of the motions to consolidate with, and remand in, Case No. 1:21-cv-00058- SPW-TJC. (*Id.*)

15. On December 3, 2021, NorthWestern filed a motion to compel arbitration and to appoint a magistrate judge to oversee negotiations of the process and procedures by which the arbitration will proceed. (Doc. 120.)
16. A preliminary pretrial conference has been set for February 15, 2022, before Magistrate Judge DeSoto in this case. (Doc. 149.)
17. The parties have served their FRCP 26(a)(1) initial disclosures.

DATED this 8th day of February, 2022.

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CERTIFICATE OF SERVICE

I certify that on this date, an accurate copy of the foregoing document was served electronically through the Court's CM/ECF system on registered counsel.

DATED: February 8, 2022.

s/ Dallas DeLuca

Dallas DeLuca (admitted *Pro Hac Vice*)
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