

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

January 15, 2026

1. *Noland v. State of Montana, et al.*, Cause No. DA 24-0369 (Montana Supreme Court)
 - This case concerns the constitutionality of the statutory system of motor carrier regulation as it applies to garbage haulers. Plaintiff alleges that the statute and Commission precedent governing the issuance of certificates of public convenience and necessity unconstitutionally interferes with the plaintiff’s ability to start a garbage hauling business.
 - The Montana Department of Justice is representing the State, including the Commission, in this case, which was filed on November 15, 2022.
 - On Dec. 23, 2025 the Montana Supreme affirmed the District Court order denying Noland’s as-applied constitutional challenge, but reversed and remanded for further proceedings on Noland’s facial challenge to the “purpose and need statute.

2. FERC LITIGATION NorthWestern Colstrip 370 Pu LLC Docket Nos. ER26-129-000 and ER26-411-000
 - NorthWestern Energy, “NWE” filed an application under §205 for a cost-based revenue tariff “CBR” on Oct. 14, 2025. The application listed, treated, and characterized assets in their application in a way inconsistent with how they were characterized and identified on a presently pending Montana Public Service Commission docket. The Commission requested NWE explain the inconsistent listing and treatment of assets. NWE’s initial responses were insufficient, raising more questions than answers.
 - On December 3, 2025, in order to obtain better clarity and to protect the interest of the State and its rate payers, the PSC filed an “Out of Time Motion to Intervene” to obtain better clarity and a more complete understanding of the NWE Colstrip 370 Pu transaction.
 - NWE provided the requested information and acknowledged Montana’s jurisdiction over the prudence of the transaction and any associated costs in retail rate, further conceding that inclusion of assets is subject to Montana review and approval. With these acknowledgments in place, the PSC withdrew their motion to intervene on Dec. 12, 2025, docketed by FERC on Dec. 15, 2025.

3. *Allied Waste Services of N.A. v. Mont. Pub. Serv. Comm’n, Cause No. DV-25-2025-0000076-JR (Montana 1st Judicial District Court)*

- On February 5, 2025, Allied Waste Services (d/b/a Republic Services of Montana) filed a petition for judicial review of the Commission’s decision to grant a Class D Certificate of Public Convenience and Necessity to MT Roll Offs, LLC.
- MT Roll Offs, LLC was granted intervention on February 14, 2025.
- The parties have fully briefed the issues before the District Court.
- On October 30, 2025, Allied Waste Services requested that the District Court hold a scheduling conference to set a time for oral argument.

4. *FERC Litigation*

North Dakota Public Service Commission,)	
Montana Public Service Commission,)	
Arkansas Public Service Commission,)	
Mississippi Public Service Commission,)	
Louisiana Public Service Commission,)	
	Complainants,	Docket No. EL25-109-000
	v)
Midcontinent Independent System Operator,)	
Inc.)	
	Respondent)

- Midcontinent Independent System Operator, Inc’s (“MISO”) Board of Directors, unanimous approval of Tranche 2.1 is the precipitating event for this complaint.
- Tranche 2.1 is a portfolio of 488 projects spanning more than 5,000 miles across 15 States with projected expenditure of \$22.1 billion to expand and enhance the reliability of the electrical transmission grid.
- The Montana Public Service Commission along with PSCs from North Dakota, Arkansas, Mississippi, and Louisiana filed a complaint with the Federal Energy Regulatory Commission (“FERC”) alleging MISO violated their “Open Access Transmission, Energy and Operating Reserve Market Tariff” when they approved a Tranche 2.1 because the Mult-Value Projects (“MVP”) fail to yield a “benefit to cost ratio” of “equal to or greater than 1”, a Tariff requirement.
- Independent Market Monitors (“IMM”) and stakeholders identified this and other deficiencies to MISO, but MISO, rather than address those concerns, challenged the IMM and stakeholder’s authority before the FERC and lost.

- MISO is a public utility under the Federal Power Act, subject to FERC's exclusive oversight and regulation. No State PSC has jurisdiction over MISO. Although FERC has jurisdiction over rates, terms, and conditions of service that MISO may file, it is not routinely involved in monitoring or oversight. Absent a FERC referral or complaint, MISO has carte blanche to interpret its Tariff and operate as it wishes.
- The Commissions' Complaint request FERC:
 1. Find MISO and its Board violated the Tariff,
 2. Direct the Board to declassify Tranche 2.1 projects as MVPs, and
 3. Order MISO to revise its Tariff to require a business case supporting future Long Range Transmission MVPs to be reviewed and approved by the FERC.