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350 Montana Challenges Montana’s “Pre-Approval” Statute

District Court Judge Jason Marks will hear arguments on the constitutionality of Montana’s “pre-approval” statute on **Wednesday, March 23, at 10 A.M.** in the Missoula County Courthouse.

350 Montana will hold a press conference on the steps of the courthouse immediately after the hearing featuring the plaintiffs, 350 Montana, Eric and Abby Huseh, Jerome Walker, M.D., and our lawyer Monica Tranel. We expect this to start at 11 A.M.

The case sees the light of a day after 350 Montana challenged the constitutionality of the law nearly a year ago. Judge Marks has held firm through NorthWestern and Montana Attorney General Austin Knutsen's attempts to dismiss the case, establishing 350's standing and the importance of the critical constitutional questions we are raising.

350 Montana attorneys, Monica Tranel and Tom Tosdal, have argued that the "pre-approval" law passed by the Legislature in 2007 doesn't meet constitutional muster because it illegally privileges a private business, NorthWestern Energy, and confers a special benefit, namely it allows the company to inflate both ratepayers' bills and the company's profits.

In 2007, for instance, when NorthWestern applied under the “pre-approval” statute to purchase 30 percent of Colstrip Unit-4, the company paid \$160 million. The Montana Public Service

Commission (PSC) allowed NorthWestern to charge its ratepayers \$404 million in monthly bills all the way until 2042. And, in 2014, the PSC allowed NorthWestern to purchase Montana's hydroelectric dams for \$850 million but added a \$287 million "carbon-adder" (though, to this day, the company has not sustained any state or federal carbon taxes). That's nearly a half-billion dollars of extra fees or \$1,350 for each of the company's 370,000 Montana ratepayers.

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