

priorities and considerations for deciding whether to install required costly controls under the MATS Final Rule.

20. As noted above, Talen Montana is one of six owners, and each of these owners have different ownership interests. Colstrip Units 3 and 4 are co-owned by Avista Corporation (“Avista”), Portland General Electric Company, Inc. (“PGE”), Puget Sound Energy, Inc. (“PSE”), PacifiCorp (collectively, the “PNW Owners”), NorthWestern Corporation (“NorthWestern”), and Talen Montana.

21. All owners other than Talen Montana are traditional utilities governed by a state commission. Some are subject to regulations in multiple states. For example, laws passed by Oregon and Washington apply to the PNW Owners.

a. Oregon passed a statute in 2016 that bars utilities from supplying coal-fired electricity to certain Oregon retail customers after January 1, 2030.³ Washington followed suit in 2019 by passing a statute that will impose substantial penalties on utilities who provide coal-fired electricity to certain Washington retail customers after December 31, 2025.⁴ With respect to the Washington statute, the PNW Owners serving retail customers in Washington remain free to use coal-fired electricity subject to the statutory penalties. Oregon and Washington’s clean energy laws discussed above may limit or discourage the PNW Owners’ ability to use

³ Or. Rev. Stat. §§ 757.518 and .519.

⁴ Wash. Rev. Code §§ 19.405.030(1)(a), (4) and 19.405.090(1)(a)(i).