



3. NorthWestern's commitment to Environmental Justice

NorthWestern shares the Administration's commitment to Environmental Justice. NorthWestern has extensive programs to support critically needed affordable and reliable energy to low income and tribal communities within NorthWestern's service area. It is not clear from the Proposed Rule and supporting documentation that EPA has fully considered the Environmental Justice consequences of the Proposed Rule, especially as related to Montana and the Environmental Justice communities in Montana. For example, 25% of NorthWestern's service base is low income, with approximately half of those below poverty standards. The costs of the Proposed Rule will fall in important ways on those who are least able to afford it, and as detailed further in Sections 4 and 5, the grid reliability dangers posed by Proposed Rule also threaten the most vulnerable in Montana. In addition to the essential services NorthWestern provides, Colstrip and the Rosebud Mine supplying Colstrip directly employ 82 people of tribal affiliation, or 14% of the facilities' total employment. Premature closure of Colstrip would devastate these families and the Colstrip community as a whole.

Consistent with the Administration's updates and revisions to Executive Order 12898 (Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice, April 21, 2023), EPA must evaluate these Environmental Justice effects in comparison with the claimed health benefits of the Proposed Rule. This is an acute issue where the environmental benefits claimed from the rule are extremely incremental (from 99.6% fPM existing removal efficiency to 99.8% efficiency under the Proposed Rule), and start from a baseline level of performance that is highly protective of human health and in compliance with Clean Air Act objectives.

4. NorthWestern's energy portfolio and role in serving Montana electricity customers

NorthWestern provides energy and capacity to customers in Montana, South Dakota, and Nebraska. For transmission interconnection reasons explained later, Colstrip is principally relevant and important to electrical supply in Montana. NorthWestern provides electricity to customers in its service areas in Montana and also serves as a "Balancing Authority," which means that NorthWestern is responsible for ensuring that the supply of and demand for electricity within our Balancing Authority Area are in equilibrium or balanced.

The Montana Public Service Commission ("MPSC") oversees NorthWestern's resource planning activities and the recovery of costs of generation and power purchase agreements. At all times relevant to this matter, the MPSC had set forth the following objectives that Montana utilities should meet: (a) reliability; (b) affordability; (c) environmental responsibility; (d) optimality; and (e) transparency. *See* MCA 69-3-1202.