

never and in fact specifically excludes the function of serving as a capacity market alternative. It is only intended to provide economic efficiency. None of this changes the fact that NorthWestern is transmission-and-capacity constrained, as is the Western Interconnection. Indeed, NorthWestern's ability to comply with its WRAP commitments is premised on continued operation of Colstrip at least through the mid-2030's. Participation in WRAP does not alter or mitigate any of the consequences of early closure of Colstrip or the cost-effectiveness of compliance with the MATS2 Rule.

75. This leaves EPA's invocation of Federal Power Act section 202(c) ("FPA Section 202(c)"). EPA raised this supposed avenue for a compliance extension to NorthWestern during discussions following the close of the comment period, during the pendency of the Proposed Rule. NorthWestern has reviewed historic examples of the use of Section 202(c), and none are in any way comparable to the compliance issues facing Colstrip and NorthWestern. In all but one historical example, FPA Section 202(c) orders were granted to temporarily waive existing capacity limits or operation of *existing* installed pollution controls. The single historical counter-example dates from twenty years ago, and only provided an emergency exemption for a few months. FPA Section 202(c) has never been used to provide a significant extension to EPA-imposed deadlines on the installation of pollution controls in the first instance. Moreover, in this context an extension that does not take NorthWestern all the way to the GHG Rule end-of-2031 retirement deadline (and thereby allow NorthWestern to avoid installation of the fPM controls altogether) would not result in any significant cost savings, and indeed would make the MATS2 Rule even less cost-effective than it already is. Further errors in the EPA invocation of FPA Section 202(c) authority are addressed by counsel.