

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

**PORTLAND GENERAL ELECTRIC
COMPANY, AVISTA
CORPORATION, PACIFICORP, and
PUGET SOUND ENERGY, INC.,**

Plaintiffs,

v.

**NORTHWESTERN CORPORATION;
TALEN MONTANA, LLC; AUSTIN
KNUDSEN, in his official capacity as
Attorney General for the State of Montana,**

Defendants.

1:21-cv-00047-BLG-SPW-KLD

**FINAL JUDGMENT AND
PERMANENT INJUNCTION**

Based on the Court's Order Adopting Magistrate's Findings and Recommendations, entered October 19, 2022 (Doc. 192), the Findings and Recommendation and Order, dated September 28, 2022 (Doc. 191), the Order voluntarily dismissing Plaintiffs' Sixth (and last remaining) Claim without prejudice, and the other records and files herein, and pursuant to Federal Rule of Civil Procedure 54(b), the Court finds that there is no just reason for delay in entering judgment as to Plaintiffs' First, Second, Third, Fourth, and Fifth Claims. Accordingly, the Court enters final judgment as follows:

1. Plaintiffs are awarded judgment on their First, Second, Third, Fourth, and Fifth Claims.

2. As applied to the Ownership and Operation Agreement Colstrip Units #3 & #4 (“O&O Agreement”), Montana Code Annotated Section 27-5-323(2) (2021 Montana Laws Ch. 376; Senate Bill 265), is preempted by the Federal Arbitration Act, violates the Contracts Clause of the United States Constitution, and violates the Contracts Clause of the Montana Constitution.

3. Montana Code Annotated Section 30-14-2702 (2021 Montana Laws Ch. 377; Senate Bill 266), violates the Contracts Clause of the United States Constitution, as applied to the O&O Agreement.

4. Montana Code Annotated Section 30-14-2702 (2021 Montana Laws Ch. 377; Senate Bill 266), violates the Commerce Clause of the United States Constitution.

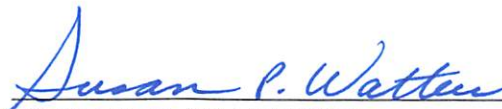
5. Defendant Austin Knudsen, in his official capacity as Attorney General for the State of Montana, is permanently enjoined from enforcing Montana Code Annotated Section 30-14-2702 (2021 Montana Laws Ch. 377; Senate Bill 266) against Plaintiffs concerning the coal-fired electrical generation units in Colstrip, Montana, including taking any steps to commence civil actions under Section 30-14-2702 to enforce compliance with that section; to seek temporary,

preliminary, or permanent injunctive relief as provided in Section 30-14-2702; or to seek civil fines as provided in Section 30-14-2702.

6. The Permanent Injunction described in paragraph 5 of this Final Judgment and Permanent Injunction binds Defendant Knudsen and, pursuant to Federal Rule of Civil Procedure 65(d)(2)(A)–(C), his officers, agents, servants, employees, attorneys, and all other persons who are in active concert or participation with the foregoing individuals.

The Clerk of Court is directed to notify the parties of the entry of this Final Judgment and Permanent Injunction.

DATED this 15th day of November, 2022.



SUSAN P. WATTERS
United States District Judge