

1 *Senate* BILL NO. *382*  
 2 INTRODUCED BY *Sen. E. Smith*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE  
 5 RESPECTIVE ROLES OF THE CONSUMER COUNSEL AND THE PUBLIC  
 6 SERVICE COMMISSION IN ADVERSARY UTILITY RATE CASES BEING  
 7 CONDUCTED BY THE PUBLIC SERVICE COMMISSION."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 Section 1. Roles of public service commission and  
 11 consumer counsel. In any case involving an application by a  
 12 regulated utility for authority to increase its rates, which  
 13 is actively contested by the consumer counsel, the public  
 14 service commission shall avoid as much duplication of effort  
 15 as possible by leaving representation of the interests of  
 16 consumers to the consumer counsel when he timely petitions  
 17 to become a party to such case, provided however, nothing  
 18 contained herein prohibits the commission or its staff from  
 19 investigating, interrogating, and introducing evidence in  
 20 any hearing to further clarify or develop the case or  
 21 present an issue it believes has not been fully presented.

-End-

*SB382*

INTRODUCED BILL

Approved by Committee  
on State Administration

1 SENATE BILL NO. 382

2 INTRODUCED BY TOME, E. SMITH

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-End-

SB382

THIRD READING

## COMMITTEE ON BUSINESS AND INDUSTRY AMENDMENTS TO SENATE BILL NO. 382

1. Amend page 1, section 1, line 12.

Following: "regulated"

Strike: "utility"

Insert: "entity to the public service commission"

2. Amend page 1, section 1, lines 14 and 15.

Following: "shall"

Strike: "avoid duplication of effort by leaving"

Insert: "leave"

3. Amend page 1, section 1, line 19.

Following: "investigating"

Strike: ", "

Insert: "and"

Following: "interrogating"

Strike: ", and introducing evidence"

4. Amend page 1, section 1, line 20.

Following: "clarify"

Strike: "or develop"

AS AMENDED

BE CONCURRED IN

SENATE BILL NO. 382

INTRODUCED BY TOWE, E. SMITH

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A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE RESPECTIVE ROLES OF THE CONSUMER COUNSEL AND THE PUBLIC SERVICE COMMISSION IN ADVERSARY UTILITY RATE CASES BEING CONDUCTED BY THE PUBLIC SERVICE COMMISSION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Roles of public service commission and consumer counsel. In any case involving an application by a regulated ~~utility~~ ENTITY TO THE PUBLIC SERVICE COMMISSION for authority to increase its rates, which is actively contested by the consumer counsel, the public service commission shall ~~avoid as much duplication of effort as possible by leaving~~ LEAVE representation of the interests of consumers to the consumer counsel when he timely petitions to become a party to such case, provided however, nothing contained herein prohibits the commission or its staff from investigating ~~AND~~ interrogating ~~and introducing evidence~~ in any hearing to further clarify ~~or develop~~ the case or present an issue ~~it believes has not been fully presented.~~

-End-

SB 382

REFERENCE BILL

1 SENATE BILL NO. 382  
2 INTRODUCED BY TOWE, E. SMITH

1 ISSUE AND SUCH COUNSEL FAILS TO INTRODUCE SUFFICIENT OR  
2 ADEQUATE EVIDENCE.

-End-

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20 investigating AND interrogating ~~and introducing evidence~~  
21 in any hearing to further clarify ~~or develop~~ the case or  
22 present an issue ~~it believes has not been fully presented.~~  
23 EVIDENCE MAY BE INTRODUCED BY THE COMMISSION ON AN ISSUE  
24 THAT HAS NOT BEEN ADEQUATELY ADDRESSED BY ANY PARTY IF THE  
25 COMMISSION FIRST REQUESTS COUNSEL OF RECORD TO ADDRESS SUCH

REFERENCE BILL: Includes Free Joint  
Conference Committee Report  
Dated 4-14-99