

HOUSE BUSINESS & INDUSTRY COMMITTEE

Chairman, Rep. Jerry Metcalf, called the Business & Industry Committee to order on March 16, 1983, in Room 420 of the Capitol Building, Helena, Montana at 9:00 a.m. All members were present except Reps. Fagg, and Howe.

SENATE BILL 84

SEN. HAZELBAKER, District 41, sponsor, opened by saying he was speaking on behalf of 26 electric co-ops and 15 telephone co-ops who serve a total of over 300,000 persons. The question is, who is responsible? This bill says the person owning the structure would be responsible for the costs of cutting or moving the wires. Many people object saying the utilities can afford to absorb these costs. A compromise was struck where the costs would be split equally by the co-op, telephone, or cable company and the person owning the structure. As a result of this compromise, the bill passed the Senate 46-3.

PROPONENTS:

SEN. PAT REGAN, District 31: I am most responsible for this so-called compromise bill. It says the cost of moving wire would be determined by the PSC and the REA's agreed to follow these guidelines. All parties agreed and then the house movers bailed out. This is a reasonable approach. It was amended on the floor to say if the structure was built with the purpose of moving it to another spot (prefab), which has happened at Colstrip, they will pay the cost of moving the lines.

ROD HANSEN, MONTANA RURAL ELECTRIC CO-OPS: This is not the same bill we introduced - it is a compromise, and we have agreed to abide by the compromise. The house movers have argued for a 26' height. The drawing I distributed shows you that a 35' pole would not give you 26' clearance. If you go to a 40' pole and they add a telephone or cable line, you still have problems. A 45' pole gets wind damage and power outages which affect many people. They are a hazard to crop dusters also. (Exhibit #1)

TERRY MURPHY, Montana Farmer's Union: A majority of our members are rural electric users and they adopted a policy that says: "The people moving high loads should pay the costs to get under the wires." The compromise that we will support is the split between the movers and the utilities.

JEANNE RANKIN, Montana Farm Bureau: The parties moving the structure should pay the costs.

GENE PHILLIPS, Pacific Power & Light, Montana Dakota Utilities and Montana Power: We support this bill.

REP. TOM ASAY: I support this bill.

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TOM HARRISON, Montana Cable TV Association: We support this bill. We are not under the PSC but we will abide by their decisions. If you have a building that is worth \$1,000, is it right to spend \$2,000 moving it at the expense of other people so the mover can make money on it? It defies all logic.

DON PARK, Ravalli County Electric: They sent me here to support SB 84. These costs are just an added expense to the high costs of the utilities. We support this bill as was agreed to in the Senate.

OPPONENTS:

STEVE BROWNING, Montana Association of House Movers: You must look at the fiscal impact and the many jobs involved. We have problems with the compromise. I did agree with the agreement achieved but the Senate Business & Industry Committee rejected that agreement and accepted the proposal to set the wire height at 26'. The proposal is very simple. Any structure that has to have the wires moved over 26', the owner has to pay. Anything under 26' the utilities have to pay. That was rejected by the committee on another day. The house movers decided they wanted to stick with that proposal and have not deviated since then. We have six criticisms of the current bill: 1) The PSC regulation is expensive and unnecessary; 2) by allowing the utilities to pay only half the costs, we have reduced by 50% the incentive for the utilities to keep the wires high; 3) We are not trying to get by cheap - they are prepared to pay costs but they think the wire should be kept high; 4) Our proposal is simpler; 5) it was the house movers that suggested the prefab compromise and we did not get credit for it; 6) we are concerned about the average cost section for moving every line. The house movers think it makes more sense to say that when they have to pay costs, that they pay the actual costs and that they be reasonable costs and not some kind of average.

HOWARD ROSELEAF, Montana State Carpenters: Montana businesses are struggling to stay afloat, and with this bill many structures would not be moved because the cost would be prohibitive. (Exhibit #2)

BOB DECKER, Big Bud Sales & Service, Havre: I am associated with an implement business in Havre. We are involved in the prefab business. Montana depends on agriculture and it requires large equipment. SB 84 would put us out of this portion of our business. We cannot live with a 10 day notice requirement. They want their equipment delivered today or yesterday. Either amend the bill to the 26' height or kill the bill.

SEN. LEE, District 17: I stand in opposition to the bill. The compromise was a mistake on those Senate members who changed their minds at the last minute. The house movers were

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scared because they had been told, either compromise or you will be put out of business. When they found out there were more than those two options given by Sen. Regan, they decided to stick with their own opinion. About the cost causers - they realize that those lines are not strung up and down the roads for decoration, they are for the public's convenience. They are not being greedy - they would be willing to pay for a reasonable compromise, but this is not reasonable. Putting this in the PSC arena is over-doing it. There are less than 50 house movers in the state and the PSC is not the place for this. Either amend this bill or kill it.

DUANE SARGENT, Hill County Electric Co-Op member:

I ended up burying my lines for a half mile when I moved my last house at the request of Hill County Co-Op. I oppose this bill.

VICTOR TACKE, Great Falls: I have been a house mover for 20 years. I can't believe this bill has gotten this far and is so fouled up. It was in frustration that the Senate dumped this on the PSC. An average cost just doesn't work that easily. The utilities put an abundance of help on each job. They can't be controlled. The utilities agreed to absorb the costs when they got permission to use the roadways.

(Exhibit #3)

DAVID CASTLE, Fort Shaw: We give them 10 days, they give us 3 days. We offered the 26' proposal that would hurt the house mover's industry and they turned us down. Somehow, we ended up at the end of the barrel. If I bid a job and it's over 26' and they call the utility for their charges, they are going to forget it. I'm going to move that house anyway - I'll raise the wires - I may end up in jail but I have nothing to lose - everything I have is invested into this business.

JIM THOMAS, Miles City: We don't want the PSC, period. We will have to come back to Helena and fight raises all the time. It will be a hassle - we have enough already.

DON HEFFINGTON, Dillon: Utility companies have received easements across public rights-of-way at no cost. There only obligation was to provide free access to tall structures. The R.E.A. News stated that in 1982 the customer in Montana paid less than one dollar for easement charges. (Exhibit #4)

IRA HALL: The Supreme Court said wire raises are a matter of police protection for the safety of the people and should be done by the utility. If movers don't get a 26' height on the wires, more accidents are going to happen. If they are allowed to continue to string wire with no control on height, it will be impossible to move anything, including farm equipment down the road.

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DUANE OSTERMILLER, Billings: One thing I would like to emphasize is that prefabs have brought in the biggest issue of this year's bill. It was the house movers who presented the amendment for prefabs. If we can get the utilities to put the wires up to 26', the biggest part of their problem will be solved.

WILLIAM KRESKE, Billings: The old law is good and it puts the cost on the utility who don't own or lease highway air-space. We'd better give the utilities some incentive to raise their dangerous wires. (Exhibit #5)

VERN BULLER, Richey: A farmer in our area, Maynard Lyles, almost had a hired hand killed last summer from a low wire.

JOE GATES, Ravalli: I have been moving houses for 35 years and there were very few wires to get in the way. There will be more and more moves because Montana is growing. The utilities need to raise those wires.

(Other opponents to the bill signed the Visitor's Register)

FURTHER PROPOONENTS (arriving late from the airport):

GEORGE VALLANCE, Malta Co-Op: My consumers are tired of coming here every session to testify. In our area, it has been discovered that some house movers put a fee to their customers for raising the wires but the utility gets no part of that fee. North Dakota has proven that this bill will not put them out of business. Montana is the only state that has such an unfair law.

BOB McCALLY, Glassgow: I am a farmer and I know how important those lines are to agriculture. As a consumer of a rural electric co-op, I don't think it's fair to pay for raising those lines. The cost causer should be the cost payer.

SEN. HAZELBAKER, in closing, said the house movers are not paying a nickle - it's the person owning the structure to be moved. The co-ops are a non-profit organization and they have to pass on their costs to their subscribers. The owner is going to have to be responsible. The PSC said there would be no cost for their service. They will review the costs every two years. This went through the Senate nicely.

QUESTIONS:

REP. BACHINI: Sen. Regan, on Page 3, line 14, would you define what "structure" includes? Sen. Regan: The prefab structure is what is involved. Rep. Bachini: Is agricultural equipment included? Sen. Regan: In most instances, they will be able to move farm equipment. Rod Hansen: The Legislative Council said this term would not mean farm equipment, to the best of their knowledge.

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REP. ELLISON: Mr. Browning, you speak about not wanting the PSC involved. Generally, the utilities think they are on your side. Mr. Browning: The house movers are not in agreement on this point. Some are adamantly opposed to PSC under any circumstances and the ones concerned with implementing the 26' proposal do not want to be at the mercy of utilities on charges and they want to have input on the language in the bill that says reasonable and necessary to make sure they are reasonable and necessary.

REP. ELLISON: Whose idea was it to let the PSC referee?

Sen. Regan: My idea. This is not a happy compromise. The house movers want 26' and that's it. The utilities on the other hand don't want to pay these costs. This compromise says go fight the particulars under the PSC because you are both regulated by them.

REP. SCHULTZ: I want to know how you are going to determine these costs? Is a farmer who wants to move a telephone line going to have to pay \$1800? How are you going to keep a lid on these things? Mr. Opitz, PSC: A full hearing would be held every two years. The proposals would come from the utilities on the costs involved on particular structures and we would publish a schedule and then the costs would be split between the two.

REP. SCHULTZ: There is going to be no profit factor involved in moving these lines? Mr. Opitz: The utilities would determine what the costs are and the house movers could combat that. We would give everybody an opportunity to review the matter before they come to the hearing. All of the commission's decisions are appealable to the district court. They would have recourse.

SENATE BILL 221

SEN. NORMAN, District 47, sponsor, opened by saying this bill authorizes any special improvement district created to provide facilities to furnish utility service to the district to transfer the facilities to a regulated utility for use in providing services. Rural Special Improvement Districts (RSID's) are involved and the cities have also been amended into the bill. A RSID is paid off in 20 years. The county and to some extent the city is left with a problem. Perhaps there is a county supplying water to a RSID and perhaps beyond that through the RSID. The county owns the property by law and will have to continue to maintain it which involves money, or they can sell it to the water company if they want to buy it. But on legal opinion, they cannot sell it because it is county property. This bill provides a means whereby the county and city and the water company could work out some arrangement for purchase.

PROPONENTS:

HOWARD SCHWARTZ, Missoula County Commission: We support this bill. It provides a clear method of dealing with the improvements. It will enable the county to shift liability for the condition and maintenance of the improvement to the utility that is using them. (Exhibit #6)

DENNIS LOPATCH, Mountain Water Company: We supply water in Missoula and Superior. We are the company involved in this problem. Basically, the problem is that we are providing service for things that we do not hold title to. Liability is a question here - who's responsible? This provision would not be mandatory, it is permissive legislation.

OPPONENTS: none

QUESTIONS:

REP. KITSELMAN: Mr. Schwartz, we have a situation in the Billings Heights area where water is being provided by the Heights water district. The people are actually city residents, so the water is bought from the municipality, filtered through the Heights water district and the city resident in the Heights is paying more than the resident down the hill. Would this provide the vehicle by which the city could approach the Heights water district and buy those pipes and serve those people on an equal basis? Mr. Schwartz: I would think this would probably do that because the city is a public regulated utility.

SENATE BILL 269

SEN. HALLIGAN, District 48, sponsor, opened by saying this bill would authorize the PSC the discretion to order refunds or credits by any public utility for charges in excess of those lawfully established and to order other changes necessary to eliminate unjust, unreasonable, insufficient, preferential or discriminatory practices. We are not talking about \$17 charges being refunded - this could be perhaps hundreds of thousands of dollars that have been collected by mistake or consciously by the utility.

PROPONENTS:

JOHN ALKE, Montana Dakota Utilities: We were responsible for the court case that established that the PSC does not have refund powers. We appear in support of this bill with the amendments.

BOB QUINN, Montana Power and Pacific Power & Light: We wish to go on record as supporting this legislation.

LARRY HUSS, Mountain Bell: We support this bill as amended.

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BOB NELSON, Staff Attorney, PSC: We support this bill.

OPPONENTS: none

QUESTIONS:

REP. KADAS: Mr. Alke, have there been problems like this?
Mr. Alke: MDU had a merchandizing operation and until 2 years ago we lit and cleaned pilot lights for a charge. Montana Power provided it for free but the costs were put into the rate base. We were doing it as an independent business enterprise. They decided we should do it for free also and make a refund for all those we had made. It went to court. But we think any time a utility would flaunt the PSC and charge in bad faith, the refund provision would be appropriate. That is the only problem that has ever occurred.

REP. METCALF: Who will carry this bill to the floor?
Rep. Kadas volunteered.

EXECUTIVE SESSION

SJR 17

REP. KITSELMAN: I move we reconsider our action on SJR 17. Sen. Elliott objects to the amendments we added.

REP. METCALF: In the past, we have heard the statement and then considered if we wanted to reopen.

SEN. ELLIOTT: This is a very timely subject in our geographical location. I don't want to hold up action on the resolution. I talked to BPA and the aluminum companies concerning the first amendment and they agreed that there is a tremendous surplus of electricity at this time. The second amendment concerning if the lower rates will cause increased rates for other consumers. The BPA has a fixed budget and if they do lower the rates to DSIs, they will have to make up that money some other way. It's not my intention to impose an unfair burden on the other rate payers but DSIs are paying 26.5 mills and the other BPA customers are paying 21 mills. I could agree to an amendment to be no lower than what is charged to other customers in the BPA system but to suggest that there would be no higher rates would be to make it inoperative and not accepted by the BPA. If the rates are not reduced to these DSIs they are going to be put out of business and the loss of jobs will be significant and the remaining customers will have to make up the revenue that is lost from the DSIs. Their rates will then really go up. They are trying to sell surplus to Alcoa Aluminum right now at 11.3 mills. They are down to 40% of production. The offer of 11.3 mills is only on increased production and is only until November 1983. Alcoa cannot have the pots into production until May. They need long-term power commitments. They cannot operate on a six month cycle.

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REP. KADAS: I am not suggesting they use surplus for short-term. I am suggesting that they use surplus power for the term that is available and that could be 8 to 20 years. That is a more reasonable approach than saying go ahead and raise residential rates and that is what we are asking if we don't use the amendment.

SEN. ELLIOTT: We have a basic philosophy difference here.

REP. HARPER: Are you saying that industry in the BPA region pays more than residents? How much do residents actually pay? Sen. Elliott: The utility buys the power and passes it on to the customers. Rep. Metcalf: They are probably paying about 35 mills up in that area.

REP. FABREGA: Aluminum plants buy just about the same amount of power as the utilities and, therefore, should be at the same rate. Sen. Elliott: They buy more than the utilities. The DSi must pick up the added cost of co-generation that the private utilities do purchase. That is passed on to the DSi's and creates a higher rate.

REP. KADAS: The Northwest Power Act created that situation. They agreed to a 20 year contract.

REP. HARPER: When the Senate voted on this did they understand that they were asking that rates would be raised on residents and agriculture in order to accommodate this?

SEN. ELLIOTT: They did understand it. In fact, it was then the IMN came out with a poll that asked if people would be willing to pay higher prices to keep an industry in Montana. It was misleading in that the farther they got from Columbia Falls the less they were willing to say yes.

REP. METCALF: The motion before us is to reconsider our action on SJR 17.

REP. KADAS: The DSi's have an option that uses surplus electricity. I don't want to be a rate making authority.

REP. FABREGA: I would speak in favor of changing it back to the amendment that Sen. Elliott wants, that DSi's should not pay more than the utilities.

REP. METCALF: The effect is the same as it would be without the amendment. The consumer already pays higher than the DSi's. If you lower the DSi's the consumer rate will go higher. Rep. Fabrega: If the DSi's go out the consumer will have to make it up and instead of a 2% increase you could have a 20% increase.

REP. METCALF: It's keyed on excess power.

REP. FABREGA: Sen. Elliott, if we keep this amendment, would you just as soon have the bill killed? Sen. Elliott: It won't do anything this way.

REP. KADAS: This resolution does not have any effect on the short-term decision. It will have an effect in November when those rates are set. The short-term argument does not apply.

REP. JENSEN: I suggest this is a difference in philosophy and we aren't going to change anyone. I call for the question.

QUESTION: The motion carried with Rep. Kadas & Hansen voting no.

REP. METCALF: We now have the resolution before us.

REP. HARPER: I wonder if this rate increase is actually going to keep Anaconda in business. This will be in front of a party that is looking for guidelines on rates. This resolution

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says the legislature feels the people in that area are willing to pay higher rates so they can keep the industry in business. Is this the critical factor that will keep them in business? I don't want to make this decision to the detriment of rate payers. Sen. Elliott: If it doesn't keep them in business, we haven't lost anything. If they go out, the rates will go up anyway.

REP. KADAS: The reason they pay more than utilities is because they made a 20 year contract. Rep. Jensen: That was the past, we have to look to the future. Rep. Kadas: Two years ago?

REP. HARPER: How many DSI's are there? Sen. Elliott: Eight in the whole region. Most are in Washington. Two are in Montana. Rep. Harper: Are all of these going down? Sen. Elliott: Kaiser is closed in Spokane. Rep. Harper: We are trying to save Columbia Falls. If one closed down, then there would be more surplus power and the rates should go down. Don't give these people at BPA an excuse to raise rates. There is a surplus.

REP. KITSELMAN: I move to strike the amendment.

QUESTION: The motion failed by a tie vote. (Roll Call Vote Attached)

REP. KADAS: I move SENATE JOINT RESOLUTION 17 BE CONCURRED IN AS AMENDED.

QUESTION: The motion carried 10-6. (Roll Call Attached.)

SENATE BILL 249

REP. FABREGA: I move to amend the amendment. We need to say the parties will agree in writing that 6 percentage points per annum will be the rate.

QUESTION: The motion carried unanimously.

REP. FABREGA: I move the amendment.

QUESTION: The motion carried unanimously.

REP. FABREGA: I move SENATE BILL 249 BE CONCURRED IN AS AMENDED.

QUESTION: The motion carried unanimously.

Rep. Fabrega will carry the bill to the House floor.

SENATE BILL 221

REP. KADAS: I move SENATE BILL 221 BE CONCURRED IN.

QUESTION: The motion carried unanimously.

Rep. Kadas will carry the bill to the House floor.

SENATE BILL 269

REP. KADAS: I move SENATE BILL 269 BE CONCURRED IN.

QUESTION: The motion carried unanimously.

Rep. Kadas will carry the bill to the House floor.

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The hearing adjourned at 11:20 a.m.

J. Metcalf
REP. JERRY METCALF, CHAIRMAN

Linda Palmer
Linda Palmer, Secretary

STANDING COMMITTEE REPORT

MARCH 16

19 83

MR. **SPEAKER:**
.....

We, your committee on **BUSINESS & INDUSTRY**

SENATE

269

having had under consideration Bill No.

third reading copy (blue)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AUTHORIZING THE
PUBLIC SERVICE COMMISSION TO ORDER REFUNDS AND CREDITS OF
PUBLIC UTILITY CHARGES UNLAWFULLY COLLECTED AND ALLOWING INTEREST
ON SUCH REFUNDS; AMENDING SECTIONS 69-3-305 AND 69-3-330, MCA."**

Respectfully report as follows: That **SENATE** **269**
Bill No.

~~XXXXXX~~ **DO PASS BE CONCURRED IN**

STATE PUB. CO.
Helena, Mont.

JERRY METCALF

Chairman.

COMMITTEE SECRETARY

STANDING COMMITTEE REPORT

MARCH 16

83

19

MR. SPEAKER:

We, your committee on **BUSINESS & INDUSTRY**

SENATE

221

having had under consideration Bill No.

third reading copy (blue)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
TRANSFER OF OWNERSHIP, OPERATION, AND CONTROL OF IMPROVEMENT
DISTRICT UTILITY SERVICE FACILITIES TO A REGULATED UTILITY."**

Respectfully report as follows: That **SENATE** Bill No. **221**

XXXXXX BE CONCURRED IN
DO PASS

SB 249

MARCH 14

83

19

1. Title, line 5

Following: "LIMITS;"

Strike: the remainder of line 5, line 6 in its entirety, and line 7 through "LENDERS;"

Insert: "ESTABLISHING THE MAXIMUM INTEREST RATE AT 6 PERCENTAGE POINTS ABOVE THE NEW YORK PRIME RATE;"

2. Page 1, line 16

Strike: "10%"

Insert: ~~X~~ "6 percentage points"

3. Page 1, line 19

Following: "greater"

Insert: "above the prime rate of major New York banks as published in the Wall Street Journal edition dated three business days prior to the execution of the agreement."

4. Page 2, line 9

Strike: lines 9 through 16 in their entirety

Renumber: subsequent subsection

AND AS AMENDED
BE CONCURRED IN

JERRY METCALF

Chairman

ROLL CALL VOTE -----

BUSINESS & INDUSTRY COMMITTEE COMMITTEE

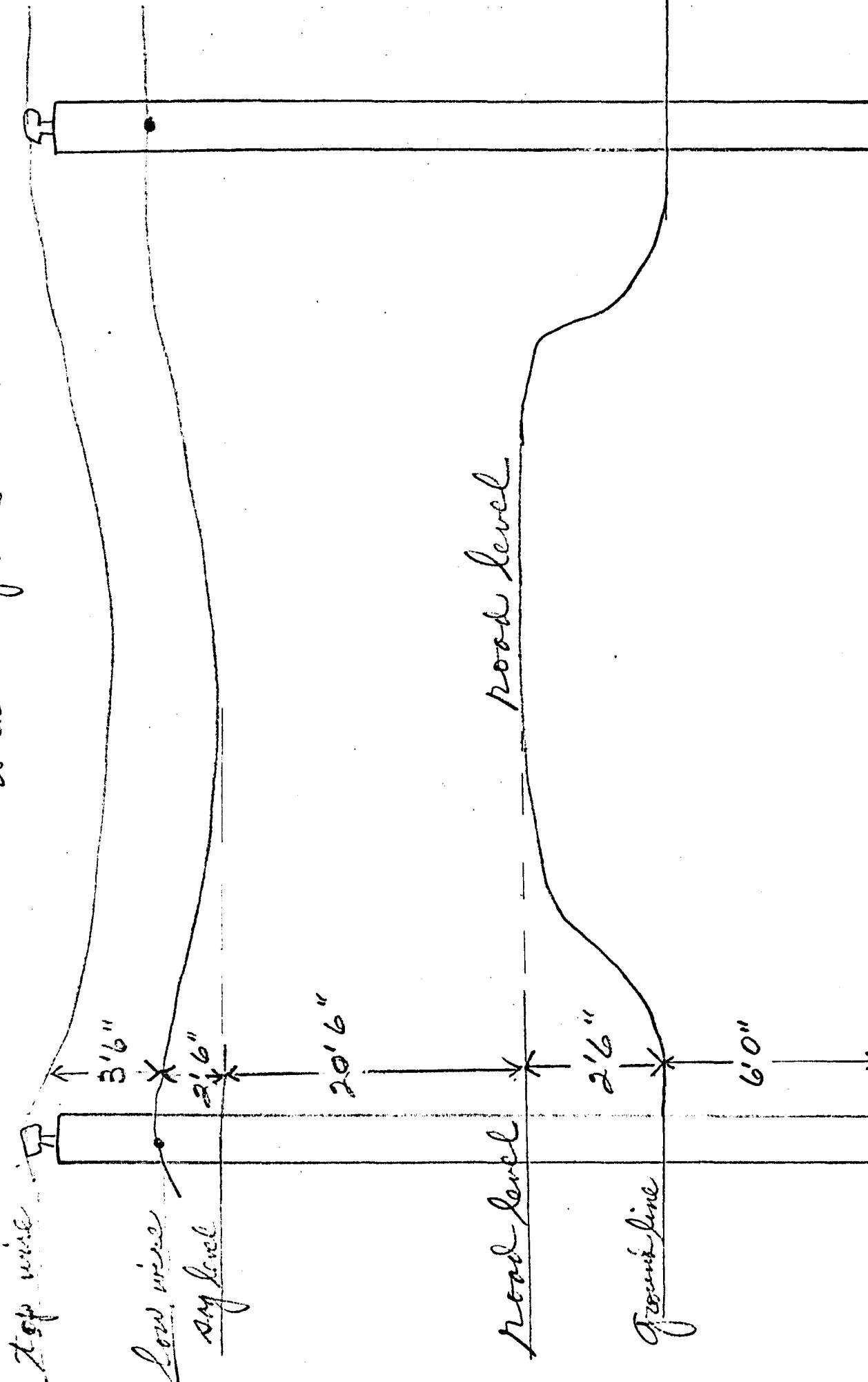
HJR 17 HJR 17

Withdraw No the Amendment Pass As Am.	Date: No: Do	Date: No:	Date: No:	Date: No:	Date: No:
PAVLOVICH, Bob	yes	no	WALLIN, Norm	yes	yes
BACHINI, Robert	yes	no	METCALF, Jerry	no	yes
ELLERD, Bob	—	—			
ELLISON, Orval	yes	yes			
FABREGA, Jay	yes	no			
FAGG, Harrison	—	—			
HANSEN, Stella Jean	no	yes			
HARPER, Hal	no	yes			
HART, Marjorie	no	yes			
HOWE, Romona	—	—			
JENSEN, William	yes	no			
KADAS, Mike	no	yes			
KITSELMAN, Les	yes	no			
LYBECK, Ray	no	yes			
NISBET, Gerald	no	yes			
SAUNDERS, Glenn	no	yes			
SCHULTZ, Jim	yes	no			

8-8 10-6
failed passed

* Specific road crossing
with 35' poles

Exhibit #1



Total = 35'

* No allowance for telephone or cable TV
underbuild.

Montana State Council of Carpenters

United Brotherhood of Carpenters and Joiners of America

P. O. Box P E. Helena, Montana 59635



TESTIMONY OF HOWARD ROSENLEAF

SENATE BILL 84, HEARINGS OF THE SENATE BUSINESS AND INDUSTRY COMMITTEE
MARCH 16, 1983

I am Howard Rosenleaf, representing the Montana State Council of Carpenters. I am here to testify against Senate Bill 84, which provides that anyone moving a structure must pay 50% of the costs of raising or cutting wires or removing poles when moving a structure. Currently those costs are borne by the owners of the wires, lines or cables.

We are against this bill because if movers had to pay 50% of the costs, many structures would simply not be moved because the cost would be prohibitive. Montana businesses are struggling to stay afloat, with business bankruptcies rising rapidly. This additional cost would be enough to put many home moving businesses under.

It would also mean the loss of jobs for carpenters and other members of the building and construction trades. When a home or other building is moved, our people are employed to lay a new foundation, wire and plumb and do other work on the structure once it is moved.

Please help Montana workers and Montana businesses by voting against Senate Bill 84.

Thank you.

Exhibit #3

WITNESS STATEMENT

Name Victor Tacke Committee On _____
Address GRDT FALLS Date 3/16/83
Representing Hoosk maving Support _____
Bill No. SB 84 Oppose Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *See attached*
- 2.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

D

Mr. Chairman - member of the Committee!

For the record I am Water Task. I have been engaged in disease control for over 30 years.

I can't believe this bill has gotten this far and is so foaled up.

It was in frustration that the Senate committee decided to drag it on the Public Service Commission, telling them to split the costs, 50-50 after determining the average cost per mile.

That is not as good as it may seem -

① An average just doesn't work - we, good small towns the cost to raise a telephone line off ~~for~~ which requires one man, a pusher truck and a sitter truck would in fact reflect the costs incurred in raising a 100,000 volt line which may require a foreman two line men a ground man, some one watching one or two bucket trucks and a foreman sitting, with cost like that reflected in the average line, the lower cost housing would become a thing of the past. No one could afford that kind of cost on what is set to be ^{low cost housing}.

② Add to this that starting now we will have an abundance of help, a more last Friday in St Paul the line was 21' 10" high had solid board and had 3 telephone trucks and two power trucks.

(3)

the amount of equipment and number of men used will be at these discussions. There can't be controls by National Code or the P.S.C. All they have to say to refute any objections is "they are regard for safety reasons."

There is no way we can tell from our vantage point how many men they are using down the line or back at the Dam or when out for scratching.

There will have to be some way to scrutinize the expenses and then split the expenses of each job to that job. Not an average.

(3) What would happen if a factory came back and said we were shut down for one hour and it cost us \$10,000, does that mean we are liable for half that. It wouldn't take them very long to shut all the house-moms in the state.

(4) They agreed to absorb the cost when they got permission to use the roadway. I was born and raised in Montana and and thought that a man word on a hand shake was good enough. If someone goes to all the trouble that they have gone to in the past I think they are going to need some real protection.

(3)

I can't help but agree with Senator
George Aronson when he writes in
Senate Bill in 1953 that it would
have made "every utility line crossing
a public road a tollgate, with the
toll to be paid to the utility company."¹¹

Exhibit #4

Don Heffington
House Mover

Utility companies have received easements across public rights-of-way at no cost. Practically the only condition to these free easements is that after putting their wires up they must provide access to tall structures. Let's consider this required wire raising service a simple easement charge and break-down some of the figures provided by the Utilities to see how much this charge amounts to. The R.E.A. News has stated that in 1982 the 300,000 + R.E.A. customers in Montana paid over \$225,000 to have wires raised for tall structures. So the average customer paid less than one dollar last year for easement charges. Not much for the right to bring wires sometimes hundreds of miles across possibly hundreds of public right-of-way crossings. But the R.E.A.'s are howling about it. They point out that the Dillon Co-op customers (hard hit by Montana Powers caravan of 60 oversized tanks) paid \$26 per customer last year to raise wires. By my calculations that's \$2.16 per month per customer during 1982. Still a small percentage of anybody's bill. I don't have the correct issue of the R.E.A. News in front of me but I think there are about 1800 customers on that co-op. But lets say there were only a thousand customers times \$26 per customer equals a minimum of \$26,000 dollars that the Dillon Co-op spent on man power to raise wires for Montana Powers tanks. That's a lost of money. On the other hand doesn't it seem strange to you that they would pay out that kind of money-- lets see-- \$26,000 divided by 60 tanks equals \$433 per tank when they knew that 59 more were comming?

If they had spent half of that money on purchasing and installing taller poles at stratigic crossings they wouldn't even have to send a crew out with the rest of Montana Power's tanks.

There appear to be two reasons that they refuse to lengthen their poles. First they aren't actually paying extra money out to raise wires. They don't hire extra men to move wires. They have their normal payroll and for however many hours attributable to raising wires they merely enter in their ledgers so much against the expense of raising wires. There payroll is the same whether they have to raise some wires or fix a broken conductor caused by some ranchers cow getting all the wires for a mile oscillating at just the right frequency to break by rubbings its back against a guy wire. It really does not cost them any extra money. R.E.A. personnel have testified at the previous legislative hearing that they would not lay-off any personnel if they didn't have to raise wires! The second reason they don't want to lengthen their poles is that since it really does not cost them extra to raise wires they can certainly live with the expense and maybe, just maybe, after all their attempts the legislature will finally allow them to charge the housemovers to move the wires. Then they will not only lower their payroll expenses by however many hours are charged against raising wires but they will be paid from outside for those hours. Double savings.

So we have seen that the R.E.A.'s have designated some small percentage of their fixed expenses as being unfairly attributable to raising wires for tall structures. The amount varies from less than a dollar a year statewide to \$26 a year at the Dillon Co-op. Almost all of these amounts were caused not by housemovers but by subcontractors for Montana Power moving tanks from Stevensville to Colstrip. I'll take a wild guess and say that of that \$26 per customer charged to Dillon Co-op members probably not more than one

dollar was created by house movers! If we use their highly inflated statement that there were 625 high structure moves in the state last year (60 tanks moved through the Bitterroot Co-op = 60 moves than the same tanks through the Dillon Co-op is now 120 moves and so on until about 400 moves later these same 60 tanks get to Colstrip!) and compare it to the approximately 100 house moves then we can readily see that only 1/6th of the cost was actually attributable to housemovers. Looking at it another way the average Montana R.E.A. consumer paid less than one dollar to raise wires last year. 1/6th of that is a little under \$.17 cents a year to raise wires for housemoving. Less than \$.02 cents a month! So for under \$.02 cents per month per customer that won't be dropped from thier bills even if housemovers have to pay to raise wires, the R.E.A.'s have staged this huge campaign to convince the legislature that the housemovers are really taking advantage of them.

The only sensable solution to this problem is to drop the whole issue. The utilities got thier easements for nothing and now want to charge a toll. But if you feel you must make some change set a height limit of 26 feet. For houses that are under 26 feet have the utilities foot the bill to raise the wires. If the house is over 26 feet have the housemover foot the bill. This system would encourage the utilities to eventually raise their wires to 26 feet. Amd it would encourage the housemovers to lower their structures as much as possible. If by chance you feel that this still isn't enough than charge new structures the full amount for raising wires. New structures can be built on site. Old houses don't have that option.

DOESN'T THIS ALL CONTRADICT WHAT IS BEING
SAID ABOUT Housemoving?

THE TRUTH IS: THE OLD LAW WAS GOOD
IN 1929 AND PUTS THE COST ON THE UTILITY
COMPANIES WHO DON'T OWN OR LEASE HIGHWAY AIR-SPACE.

IF WE CAN'T GET THE UTILITY COMPANIES TO
IMPROVE THEIR SYSTEM IN 50 YEARS AND RAISE THEIR
DANGEROUS WIRES - WE HAD BETTER GIVE THEM SOME
INCENTIVE TO!

HOW MANY PEOPLE
AND ANIMALS DIE
IN MONTANA PER
YEAR DUE TO
DANGEROUSLY LOW
WIRES - IN ANY!

SB 84 IS A POOR
BILL, ITS UNSAFE
AND IT WILL HURT
MANY JOBS, AND
my EMPLOYEES AND FAMILY'S.

\$13.5 million is sought in sailboat-powerline death

The Associated Press

also remained in the boat.

"The sailboat was entangled with a series of three 7,200-volt transmission lines hanging 19 to 20 feet off the river," the suit said.

Mrs. Gallagher claims the danger was not visible from the sailboat because the lines hung below the horizon of shale cliffs and the poles were obscured by trees and bushes.

According to the complaint, the lines were constructed at the accident site the previous fall, 15 months after Quill and Johnston had been killed in the Great Falls accident.

Montana Power raised the Great Falls lines and installed warning devices on them, but the Fort Benton crossing "wasn't done in that fashion," the suit said.

The suit claims Montana Power violated the National Electrical Safety Code and failed to adhere to accepted engineering practices. It charges Montana Power with gross negligence and reckless and wanton misconduct.

William Kraska

Exhibit #6

SENATE BILL 221

Missoula County supports this bill for the following reasons:

BACKGROUND: The County is authorized, upon the receipt of a proper petition and after notice and hearing to finance the construction of water lines, gas lines, and power lines through the RSID process.

When completed these utility lines are used by regulated utilities to provide water, gas or power to residents of the RSID.

The costs of installing these systems is born by the district residents initially and is in part reimbursed by the utility which makes payments to the county when customers hook-up to the system. These payments are used to make early payment on the districts bonds.

PROBLEM: Title to these improvements remains in county raising the possibility of:

- 1) potential county liability for problems arising from the improvements.
- 2) potential assessment of repair costs against the district.

Since county holds essentially for the benefit of the district general provisions regarding the sale of county property may not be applicable. Certainly no express authority to dispose of RSID financed improvement.

Even if general provisions regarding sale of county property are available, they do not specifically authorize the kinds of conditions on the sale that may be desirable.

BENEFITS:

The bill provides a clear method of dealing with the improvements.

It will enable the county to shift liability for the condition and maintenance of the improvement to the utility that is using them.

It will permit the county to impose conditions to protect the district residents.

It will protect the residents by placing them in the same position as other utility customers by eliminating the possibility of direct assessment for the cost of repairs to the supply system.

VISITORS' REGISTER

HOUSE

Bus. + Ind.

COMMITTEE

RTLL

SB 221

Date

ONSOR

3-16

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR **LONGER** FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE

Bus. • Ind.

COMMITTEE

BILL

SB 84

DATE

3-16

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSI
Donald F Park	Stevensville	Paralle Co Elec	X	
Wm. Kraske	Billings	Kraske/Hausman	X	
Quade	Stevensville	Billings	Detrich Hausman	X
Leily Krueger	Kalispel	MTU	X	
Deanne Rankin	Bozeman	MT. Farm Biver	X	
Tom Harmon	Helena	Mont. Cable T.V.	X	
Gene Pigioni	Glenview	M. D. L.	X	
Howard Peal	Missoula	Mont. St. Coop	X	
Victor Tack	Ft. Falls	Home moving	X	
Jim Thomas	Miles City	Home mover		1
Wayne L Dushab	Columbus Mt.	Overlook House Moving	X	
Gene Phillips	Kalispell	PACIFIC POWER & LIGHT	X	
Wes Huffman	Helena	Helena Cable TV	X	
David Castle	FT. Shaw	Consumers	X	
Essie Otoyskit	Missoula Mont	A-1 House Moving	X	
Tom Murphy	DT. Falls	MT. Farmers Union	X	
Bob Quinn	Helena	Mont. Farm Co.	X	
Tom Long	Forsyth	Rep. Dist 5 U-	X	
L. Remke	Glenview	Mont. U. Co.	X	
W. Iseney	Sidney	M. D. U. Co	X	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE

COMMITTEE

BILL 5B 84

DATE _____

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Diane Slaney	STAR RTE 36 Box 151A HAVRE, MT			X
Barb Becker	HAVRE, MONT	Big Bear Sales & Serv	X	
George London	Brookway MONT			X
Rod Hansen	Mont. Assoc Util.		X	
K. Dowdall	Mont. Assoc Util		X	
Vern Bullen	Rickey MONT		X	
Steve Burroughs	Helena	Housewives		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE

Bus. + Ind.

COMMITTEE

LL

SB 269

Date _____

3/6

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

SELWAY corporation

P.O. BOX 287

STEVENVILLE, MONTANA 59870

PHONE (406) 777-5471

March 15, 1983

Business and Industry Committee
Jerry Metcalf, Chairman
48 th State Legislature

In opposition to Senate Bill 84, Selway Corporation
submits the following information.

This information represents additional costs incurred
on the Colstrip Power Project due to the fact that utility
wires were in interference with our loaded height of 21 feet.

- 1) Delay Time : 80 hrs. @ \$44.00/hr. for 32 trips \$22,528.00
- 2) Preparation and Delivery Charges to comply with notification
requirements of the Utilities. \$5,542.00

~~\$28,070.00~~

Jim Edinger, Controller
Selway Corporation

Jim Edinger



Engineering. Fabrication. Machinery

Burney Swift
Bob Thufte
Bob Paulovich
Jerry Metcalf
Elmer Sorenson
Allen Ristad

Dear Sir:

As a "High Structure Mover" I would like to voice my opinion against House Bill #147 and Senate Bill #84.

In the past two years we have been involved in moving oversized loads up to 22 feet high on a regular basis to Colstrip and other construction sites in Montana. We estimate that on the Colstrip project alone, Selway Corporation's fabrication was performed at 30% of the cost required to fabricate and field erect the same equipment at the job site. These savings, as you might realize, are passed on directly to the consumers and more than offset any costs involved in lifting utility lines.

In the process of moving these over height loads we noticed there was no consistency in line height. Many of the lines we were in interference with would barely accomadate a legal height load let alone one over height. I feel the utility companies should be required to maintain a line height that would allow the movement of the majority of over height loads. This could be accomplished by establishing permanent routes through cities and towns that allow the movement of high structures by raising lines to a maximum height or by burying the lines as the majority of the phone companies are doing.

It is important to realize that Montana needs heavy industry to provide jobs and pay taxes in the state. When these industries are analyzing prospective sites, they are going to look for the ability to move fabrication to the site. Due to the high cost of field erection, the cost savings realized by this ability are a major incentive for industry to locate in Montana.

If you have any questions concerning this matter please give me a call.

Sincerely,

Jim Edinger
Controller

MPC sued over boat accident

By BARBARA MITTAL
Tribune Staff Writer MAR 5 1983

Montana Power Co. is being sued for \$13,250,000 by a Billings woman who claims her husband died after the sailboat he was riding in tangled with high-voltage transmission lines.

Barbara M. Gallagher's suit, filed in federal court here, calls the accident a "tragedy nearly identical" to one that killed Jere Quill and Brian Johnston in 1980 when their sailboat mast struck power lines over the Missouri River near the Warden Bridge in Great Falls.

Michael T. Gallagher was among passengers on a sailboat owned by Don Robertson, Glasgow, on the Missouri River eight miles below Fort Benton June 20, 1982. Both Gallagher and Robertson were thrown over-

board and died in the accident. Gallagher's body was recovered nearly a month later downstream from where the accident occurred.

Robertson's wife, Gloria, was rescued from the river. Barbara Gallagher, who remained in the boat, claims she received electrical shock and a slight burn from grabbing metal cable on the boat to save herself. Ron Pattison of Glasgow, another passenger, also remained in the boat.

The boat rocked back and forth, turned sideways and began to tip without warning to the passengers, the suit says. "The sailboat mast was entangled with a series of three 7,200-volt transmission lines hanging 19-20 feet off the river."

Barbara Gallagher claims the lines were not visible from the sailboat because they hung below the horizon of shale cliff and poles were obscured by trees and brush.

According to the complaint, the accident occurred in an area known as Pimperton Bottom where Montana Power had reconstructed its

crossing the previous fall. That work was done 15 months after Quill and Johnston were killed. After the Great Falls accident, the complaint says, Montana Power raised those lines and installed warning devices on them. However, the Fort Benton area crossing "wasn't done in that fashion" and several high voltage power lines were hanging less than 20 feet off the surface of the river.

As a result, the suit says, "the tragedy in Great Falls was needlessly and senselessly duplicated at Pimperton Bottom crossing two years later."

The suit claims Montana Power violated the National Electrical Safety Code and failed to adhere to accepted engineering practices in constructing the lines over the river. It charges Montana Power with gross negligence and reckless and wanton misconduct in its reconstruction work.

The Quill and Johnston families reached an out-of-court settlement with Montana Power in September 1982 for \$1.5 million.

Great Falls **HERALD**

No. 135—97th Year

Great Falls, Montana, Saturday, September 25, 1982

\$1.5 million settles lawsuit

Families of two Great Falls men who died in a June 17, 1980, sailboat accident on the Missouri River have received a total of \$1.5 million in an out-of-court settlement with the Montana Power Co.

Jere Quill, 24, and Brian Johnston, 21, suffered fatal burns and were thrown into the water, when the aluminum mast of their catamaran contacted a Montana Power Co. line spanning the river from the city waterworks to the country club. Quill's wife, Linda, also was thrown from the sailboat but managed to grab the boat.

No one saw either man surface after the accident. Their bodies were recovered within the next two days.

Although the damage settlement was reached late last year, the families agreed this week that "it is im-

portant for the public to know" that settlement was reached and that the matter was not allowed to lay dormant, attorney Neil Ugrin said.

A pathologist's report indicated "there was plenty of evidence of electrical contact and drowning," Ugrin said.

Photographs of shiny spots on the otherwise bare corroded copper wires clearly showed where the sailboat mast contacted the wires, Ugrin said. "There was no question of electrical contact," he said.

The sailboat's aluminum mast was scarred with melted spots, holes were burned in the canvas sail and there was evidence of electrical contact over the frame of the boat, he said.

"The holes were a considerable way down the mast. The boat didn't

just nick" the line, he said.

The sailboat was about 21 feet high, a moderate size in Montana, he said. Typical tall sailboats used in Montana are about 28 feet.

The power line span included a neutral wire that was only 15 feet above the river and six energized lines, the lowest of which was less than 18 feet above the water, Ugrin said.

Based on safety codes, the power lines were 15-20 feet lower than they should have been, he said. They were well below the Warden Bridge.

"It was a plain safety violation, even if it wasn't for codes," he said, "to hang bare wires that could harm people."

Since the accident, the power line between the waterworks and the country club has been raised and

orange reflectors have been placed on it. Markers also have been put on lines spanning the river farther upstream.

However, "markers are not the full answer," he said. "When you're sailing there are a lot of things to do. Looking up is not one of them."

People generally are not aware of power lines even in their own neighborhoods," he said, adding they are just not that easy to see.

Prior to the accident, the Great Falls sailing club had experienced several "near incidents" and had gone to the power company to complain, Ugrin said. However, nothing had been done to correct the situation, he said.

Montana Power officials were unavailable late Friday for comment.

Death toll estimate approaching 600

BEIRUT, Lebanon (AP) — Relief workers uncovered a new mass grave of 19 bodies Friday, and Lebanon's chief prosecutor reported a death toll of at least 597 from the refugee camp massacres — double the number confirmed by the Red Cross.

The new Lebanese president, Amin Gemayel, ordered the military prosecutor-general to conduct an urgent investigation of the refugee camp slaughter, the Christian "Voice of Lebanon" radio reported Friday.

The killings have been blamed on the militia of Gemayel's own Christian Phalange Party.

At United Nations headquarters in New York, the 157-nation General Assembly voted overwhelmingly Friday night to condemn the massacres, and it demanded a U.N. investigation.

Only the United States and Israel voted against the overall resolution, adopted 147-2, with some members not present.

A separate vote on the clause dealing with the investigation passed 146-0, with U.S. Ambassador Charles M. Lichenstein voting for it

and Israel not participating.

The military prosecutor-general, Assad Germanos, had said Thursday he was investigating the killings.

Earlier Friday, an advance unit of 350 French paratroopers and infantrymen came ashore here, vanguard of a U.S.-French-Italian force charged with trying to stop Beirut's bloodshed. U.S. Marines were to follow this weekend.

In Israel, Prime Minister Menachem Begin's government asked the Israeli chief justice to lead an inquiry into Israeli conduct during last week's massacre of civilians at two Palestinian refugee camps here.

The justice, Yitzhak Kahan, refused to consider the request immediately, because his court has before it two private petitions on whether to order a full judicial inquiry into the Beirut bloodbath.

Begin's political opponents rejected the proposed investigation as insufficient, since Kahan would not have subpoena power or the power to jail perjurers, as in a normal judicial inquiry.

Israeli newspapers questioned anew the official Israeli version of events surrounding the refugee

camp slaughter, which has been blamed on Lebanese Christian militiamen.

The papers said Israeli commanders in Beirut knew by 11 p.m. Thursday, Sept. 16, the first day of the massacre, that civilians were being killed by Christian Phalangist militiamen. Israeli Defense Minister Ariel Sharon has said the Israelis did not know the killings were going on until the next day, after which the Israelis intervened.

The Jerusalem Post reported that the Israeli commander in Beirut received a message from a Christian Phalange leader in one of the camps, Chatila, that said, "Until now 300 civilians and terrorists have been killed."

Sharon has acknowledged that Israeli forces helped plan last week's Phalangist assault on the camps and provided some support, but he says they never expected a slaughter of civilians.

The mass grave unearthed Friday was discovered near the Chatila camp. Jean-Jacques Kurz, an International Red Cross spokesman, said the 19 victims were all members of the same family. A relative

said the bodies had been dumped by a bulldozer into a crater left by an Israeli bomb, then covered over.

This brought to 317 the total number of bodies reported found by Red Cross teams searching piles of rubble at the Sabra and Chatila camps.

But Lebanese Prosecutor-General Camille Geagea, who is taking part in an investigation of the killing, said 597 bodies had been discovered thus far, and more than 2,000 people were still missing.

He said his figures were compiled from all relief agencies involved in the recovery operation. Kurz has said some refugees removed relatives' bodies before Red Cross workers arrived at the camps and civil defense workers had to up other bodies.

Relief workers say the exact

See LEBANON, 2A

Committee
to finance

Jeff Wegen 18 yrs old

Thurs Aug 18, 1977

Accident occurred on the Wegen ranch
near Ashley lake South of Hobson,
Jeff, his two brothers and Dad were
moving a 38 ft long grain auger and
it came in contact with a power line,
killing Jeff, his two brothers and father
received an electrical shock but survived.

March 14, 1983

I talked to the Judith Basin County Coroner-Sheriff, John Oliver, re: the death of Myrlin Boeck, a farmer in the Benchland area. Mr. Oliver gave me the following information:

Mr. Boeck was driving his tractor down the road when the tractor stack hooked onto a telephone line. Mr. Boeck got out of his tractor and crawled on top of his cab to unhook the wire. The wire flipped him off the cab top into a cultivator, which he was pulling behind his tractor. He had puncture wounds caused by his fall onto the cultivator and also had a fractured skull. He was taken to the Deaconess Hospital in Great Falls and died on October 7, 1977. The accident happened Northeast of Stanford at 3:10 P.M. on Oct. 6, 1977.

Mr. John Oliver's phone #: 566-2212



HARLAND HANSEN PRESIDENT

H. R. HANSEN IMPLEMENT CO., INC.

PHONE 452-6453

225 SECOND STREET SOUTH
GREAT FALLS, MONTANA

P. O. Box 2534

Modern Farm Machinery MINNEAPOLIS-MOLINE Sales & Service

March 10th, 1983

House Business and Industry Committee
Helena Capitol Station
Helena, Montana 59620

Ref: Senate Bill # 84

Members of the House Business and Industry Committee:

It has come to my attention that Senate Bill # 84 is going to be up for consideration. It might be well to bring to the attention of this committee the fact that a great portion of the farm machinery being used now is at least 20' in height, with some of it being over that.

The agricultural committee should be watchful of the, particularly in this bill, realizing the safety factor as well as the inconvenience that would occur in the moving of such machinery plus the cost involved.

Because of the increase in the size of present day machiney, I would prefer or personally recommend that the wires be placed higher or even placed underground, thereby not adding any costs to the farmer.

H.R.HANSEN IMPLEMENT CO.

Harland R. Hansen, President

HRH/s/jh



Big Bud Tractors, Inc.

P.O. BOX 1111 • HAVRE, MONTANA 59501
PHONE 406-265-5457
TLX 31-9558

February 28, 1983

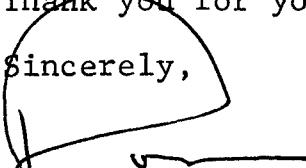
Mr. Ira Hall
Chinook, Montana

Dear Mr. Hall:

We oppose Senate Bill 147 and House Bill 84, as it would severely restrict our ability to move our equipment. We feel very strongly that overhead lines should either be buried or raised to 28' minimum. Farms and farm equipment are not getting smaller, they are getting larger. These bills could severely restrict the use of such equipment.

Thank you for your consideration in this matter.

Sincerely,


Ronald M. Harmon
President & CEO

RMH/mjo



TELEPHONE 406/727-6721 • P.O. BOX 2365 • HAVRE HIGHWAY NORTH • GREAT FALLS, MONTANA 59403

KILLION-MOORE, INC.

March 10, 1983

House Business and Industry Committee
Helena Capital Station
Helena, Montana 59620

Re: Senate Bill 84

Honorable Members of the House Business and Industry Committee:

Since Senate Bill 84 is up for consideration, I would like to bring to the attention of this Committee that some of the farm machinery now in use is 20 ft. in height and over.

Keeping in mind safety, inconvenience in moving and cost, the agricultural representatives should keep an eye on this Bill.

With the increased size of machinery, I would recommend that the wires be placed higher or put underground thereby not imposing additional costs on our farmers.

Sincerely,

Hugh W. Moore President

km

Box 262
Carter, Montana 59420
January 19, 1983

Mr. Zion
Zion House Moving and Construction
Great Falls, Montana

Dear Mr. Zion:

As a farmer, my experiences in dealing with the power company have not been what you would call a total success. I often find that their transmission lines are poorly maintained and are not of sufficient height to move equipment under.

I own a Krause disk which, when winged up to the transport position, measures twenty feet high. My duckfoot measures twenty-two feet high. I am sure, in your experience, you know that these heights will not go under many of the power lines that cross our public roads. When this happens you can call the power company and try and get them to raise the lines, or you can lower your implement to the working position to clear the wires. Usually when I let the wings of the implement down I can't clear the poles in the ditch so I have to move out into the neighbor's field to get around the whole mess. By the time this is done every half mile or so the entire day has been spent moving ten miles.

I did manage to persuade the power company to put in taller poles at one crossing, but at two others, they refused. One of these I can get under by letting my wings down but I risk getting caught on the railroad tracks because the crossing is too narrow. The other place I mentioned I cannot get through at all and have to go several miles out of my way to get to any of my land.

About once a year we get caught in the wires and break them. As of yet, I have had no damage because of high voltage but I know it's only a matter of time until someone gets hurt or killed and the equipment gets damaged. I have spent thousands of dollars repairing equipment that has hit the poles while we're trying to navigate through the maze of wires and poles.

I understand that the power company would now like to charge individuals for raising lines and for damage done to lines. That sounds pretty typical to me. Put in a line that's too low to clear the present day traffic that goes under it and then charge a fee to get under it. Maybe they could put in telescoping poles and a toll booth!

Power lines are a necessary evil we must live with, and that's fine; but the power companies cannot be allowed to block off the sky above public roads with lines that are too low for public use.

I hope that my opposition to House bill #147 and Senate bill # 84 will be heard and that our legislators will not allow the power companies to take up charging for the right to use the skies.

Sincerely,

Gary Arganbright
Mr. Gary Arganbright
Carter, Montana 59420

MARCH 1983

HONORABLE REPRESENTATIVES,

I WISH YOU TO CONSIDER THE REAL FALLACY
IN CHANGING THE HIGH WIRE LAW AS IT NOW STANDS.

THE REA'S REPORTED HIGH STRUCTURE COSTS IN
1980, 1981 AND 1982. IT HAS BEEN PROVEN THAT THE
MAJORITY OF MOVES WERE MADE BY MONTANA POWER CO.-
NOT THE HOUSEMOVERS. IN MY CASE MY HOUSEMOVES WERE
WAY DOWN IN 1982.

THE REA MAGAZINE REPORTED A STATEWIDE SURVEY
WAS MADE ON TALL STRUCTURE MOVES - AND WHO SHOULD PAY.
THE SURVEY SUPPOSELY GAVE THE REA THE ANSWERS THEY WANTED-
WITH BIAS QUESTIONS - YOU WILL GET BIAS ANSWERS IF YOU
DON'T TELL THE WHOLE STORY! A VERY SMALL COST IS
PAID BY EACH CONSUMER TO PROVIDE GOOD HOUSES FOR THE
NEEDY - AND WHO'S WIRES ARE BLOCKING OUR HIGHWAYS?

NOW IN THE MARCH ISSUE OF REA MAGAZINE THE
MANAGER OF YELLOWSTONE VALLEY CO-OP REPORTS 1982 WAS
A GOOD YEAR - WITHOUT RAISING RATES AND ^{THEY} HAD A GOOD MARGIN!

VOL. 30 No. 7, MARCH, 1983

MANAGER'S COLUMN

Your co-op is very active with several
big projects going on simultaneously.

NEW CONSTRUCTION

The headquarters addition at the
service center is completed and the
engineering department has moved in.
That puts the engineering and the
construction crews under the same roof.

Lastly, your co-op had a good year in
1982. Without raising rates, we had a
good margin and increased the
member's equity.

Howard M. Stanley
Manager

KRASKEY

WASN'T 1982 THE YEAR SO MANY HIGH LOADS WENT THRU THEIR
AREA?

SB 84 Boylan amendment 26th amendment
failed 2/14/83

Six Senators on the committee ^{of ten} that discussed
the ~~issue~~ issue voted for the 26th amendment. Six
members in committee also voted yes to the 26th
amendment.

219

MONTANA SENATE
SB 84

10TH SESSION

2/14/83 3:24 AM

10 YEAS 38 NAYS 0 EXC 2 N/V

YLAN AMENDMENT

AKLESTAD	Y	FULLER	Y	KOLSTAD	N	REGAN
BERG	Y	GAGE	N	LANE	Y	SEVERSON
BLAYLOCK	X	GALT	Y	LEE	X	SHAW
BOYLAN	N	GOODOVER	N	LYNCH	N	SMITH
BROWN	N	GRAHAM	N	MANNING,D	N	STIMATZ
CHRISTIAENS	N	HAFFEY	Y	MANNING,R	N	STORY
CONOVER	N	HAGER	N	MARBUT	N	THOMAS
CRIPPEN	N	HALLIGAN	N	MAZUREK	Y	TOWE
X DANIELS	Y	HAMMOND	N	MCCALLUM	N	TURNAGE
DOVER	N	HAZELBAKER	N	MOHAR	N	TVEIT
ECK	Y	HIMSL	N	NORMAN	N	VANVALKENBURG
ELLIOTT	N	JACOBSON	N	OCHSNER	N	STEPHENS, PRES
ETCHART	N	KEATING				

Line bill 50/50 Regan "convinced"

no (7)

3 100% Y

43 not yet

MONTANA

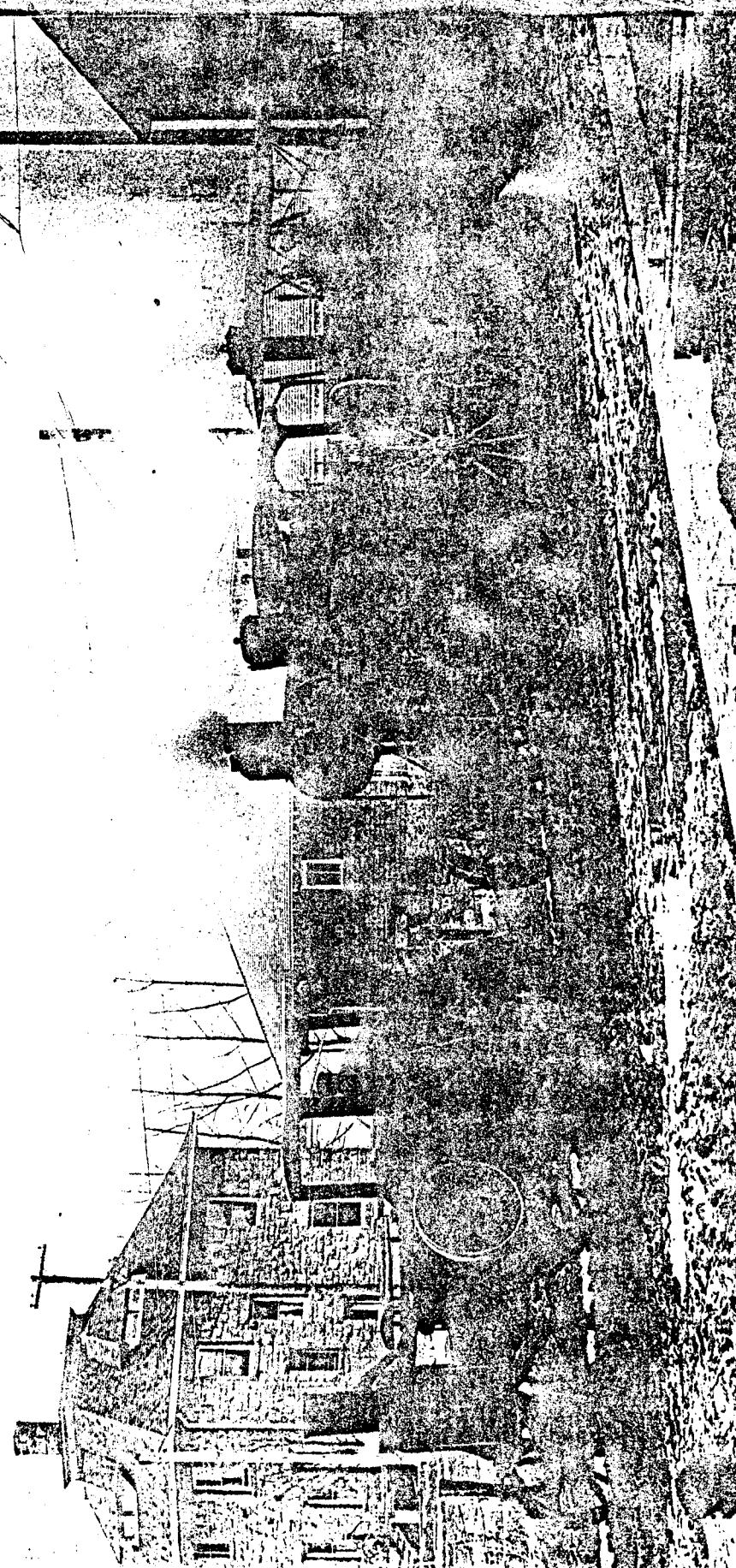


From Ft. McGinnis

This could be just another apartment house — but the building at 7th Street and Broadway in Lewistown has more history than roomers behind it. It's probably the single relic still intact of old Ft. McGinnis, east of Lewistown, where it once served as

quarters for officers stationed there. The two-story structure with its gabled windows was moved into Lewistown following the closing of the post in 1889 and the subsequent sale of buildings located there. — Gazette photo by Addison Bragg.

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WITNESS STATEMENT

Name IRV HILL Committee on Businesses
Address Box 262 & Industry
Representing HILL House Moving Date 3-16-83
Bill No. SB 84 Support
Oppose X
Amend

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The burden of the cost should be shared among the utility consumers
2. Thus affording low income people to have a house moved
3. The cost to the utility consumer is very minimal. But moving houses for one move is very costly
4. To the low income people having a house moved

The cost to the utility consumer is very minimal. But moving houses for one move is very costly to the low income people having a house moved

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name John Ostermiller Committee On _____
Address 129 Charles St Date 3-16-83
Representing Ostermiller Housewives Support _____
Bill No. B 84 Oppose X
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. cable TV wires are about the lowest wires in the air and if we have to pay A more than it will be bad because TV is a totally unnecessary
2. thing :
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Jay Downen Committee On B&I
 Address Gr. Fences Date 3-16-83
 Representing Mont. Assoc. Util. Support X
 Bill No. SB 84 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. * This bill represents compromise reached between utilities and moves and their lobbyist, Browning. Compromise was mandated by Senate B&I committee and reached after much negotiation.
2. * Montana is only state where law requires unwilling electric and telephone ratepayers to subsidize moves of others.
3. * Legislators should not have to continually address this issue.
4. * Public Service Commission is proper body for regulation.
- * Cooperative ratepayers have felt the pinch to the tune of 40-30 increased bills. Problem won't go away.
- * National electric code requires utilities to have wires at minimum heights. We can't leave numerous standards.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Jeanne Rankin Committee On 611F
 Address 5025 19th Benjamin Date 3-16-83
 Representing MT Farm Bureau Support X
 Bill No. SB 84 Oppose
 Amend

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Mr. Chairman members of the committee -
 My name is Jeanne Rankin I represent the
 MT. Farm Bureau we would like to go
 on record in support of \$884. when lines are
 at or above the standard height set by law.
2. ad on above the standard height set by law.
 In cases of power lines being lower than that standard
 we feel the electric Co should pay the bill. Our
 members feel that parties transporting oversized loads
 should be made to pay the cost of utility lines
 being moved or altered, instead of the utility
 passing the cost on to ~~all~~ all consumers
3. thank you
4. Jeanne M. Rankin

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name Robert A. Nelson Committee On Business + Ind.
Address 719 N. Ewing, Helena Date 3/16/83
Representing Public Service Commn. Support X
Bill No. SB 269 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

See attached Statement of Support

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

PUBLIC SERVICE COMMISSION 1227 11th Avenue • Helena, Montana 59620
Telephone: (406) 449-3007 or 449-3008

Thomas Schneider, Chairman
John Driscoll
Howard Ellis
Clyde Jarvis
Danny Oberg

MONTANA PUBLIC SERVICE COMMISSION'S STATEMENT OF SUPPORT

SENATE BILL NO. 269

BACKGROUND

The Commission supports the changes proposed in SB 269 to fill an unintended or ill conceived gap in Commission jurisdiction. This gap has worked to the detriment of consumers in the past and, if uncorrected, may do so in the future.

§69-3-305(1) currently makes it unlawful for a public utility to demand or collect certain charges, including those deviating from, or not included in, filed tariffs.

The law provides procedures for complaints against public utilities, including complaints that the utility is violating §69-3-305(1). §69-3-330 describes what the Commission may do to dispose of a complaint. Even if the Commission determines that a complaint has merit, it cannot order that the unlawful collections be refunded.

In 1980, for example, an MDU customer complained to the Commission that the company was collecting an unauthorized \$17.00 fee for relighting pilot lights. The Commission determined that relighting pilot lights is a utility-related service, for which there were no scheduled charges. Therefore, MDU was violating §69-3-305 by collecting the \$17.00 charge. The Commission ordered MDU to refund past charges for relighting pilot lights.

On appeal, however, Judge Bennett reversed the Commission's order, ruling that the Commission must have express statutory authority to order refunds, which authority is lacking in §69-3-330.

SB 269 would not alter the existing duties of public utilities, nor would it redefine unlawful deviations from tariffs. It would, however, authorize the Commission to order refunds or credits of charges unlawfully collected.

AMENDMENTS

The following amendments were adopted by the Senate and are either supported or unopposed by the Commission.

Amendment No. 1, page 1, line 16: "utility" service -- Addition of the word "utility" recognizes explicitly the existing limitations on Commission jurisdiction. The Commission believes that this amendment would have no practical effect on its operation and therefore does not oppose it.

Amendment No. 2, page 2, line 4; page 2, line 25: "may" order refunds "or credits" -- This amendment gives the Commission discretion to refuse refunds in certain circumstances, e.g. where the cost of refunding exceeds the value of the refund. The amendment also provides that refunds may take the form of credits. The Commission supports these changes.

Amendment No. 3, page 2, lines 15-16: "upon such hearing and due investigation" -- This language was thought to be redundant, and was therefore eliminated in the original Bill. The Commission believes that retaining this language will not result in any change, and therefore does not oppose the amendment.