

1 *House* BILL NO. *383* *M. H. Cooke*
 2 INTRODUCED BY *Meloy* *Hayes* *Deavel*
 3 *Bradley*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 70-113, R.C.M. 1947, TO REQUIRE THE PUBLIC SERVICE
 6 COMMISSION TO HOLD HEARINGS ON PROPOSED CHANGES IN SCHEDULES
 7 WHEN THERE ARE ADVERSE PARTIES, AND TO RENDER DECISIONS IN
 8 SUCH CONTESTED CASES IN CONFORMITY WITH THE ADMINISTRATIVE
 9 PROCEDURE ACT."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 70-113, R.C.M. 1947, is amended to
 13 read as follows:

14 "70-113. Schedules of rates, tolls and charges. Every
 15 public utility shall file with the commission, within a time
 16 fixed by the commission, schedules which shall be open to
 17 public inspection, showing all rates, tolls, and charges
 18 which it has established, and which are in force at the
 19 time, for any service performed by it within the state, or
 20 for any service in connection therewith, or performed by any
 21 public utility controlled or operated by it. The rates,
 22 tolls, and charges shown on such schedules shall not exceed
 23 the rates, tolls, and charges in force at the time of
 24 passage of this act. Every public utility shall file with,
 25 and as a part of such schedule, all rules and regulations

1 that in any manner affect the rates charged or to be charged
 2 for any service. A copy of so much of said schedule as the
 3 commission shall deem necessary for the use of the public
 4 shall be printed in plain type, and kept on file in every
 5 station or office of such public utility, where payments are
 6 made by the consumers or users, open to the public, in such
 7 form and place as to be readily accessible to the public,
 8 and as can be conveniently inspected.

9 When a schedule of joint rates or charges is or may be
 10 in force between two or more public utilities, such schedule
 11 shall in like manner be printed and filed with the
 12 commission, and so much thereof as the commission shall deem
 13 necessary for the use of the public shall be filed in every
 14 such station or office as prescribed in the first paragraph
 15 of this section.

16 No change shall thereafter be made in any schedule,
 17 including schedules of joint rates, except ~~upon twenty days'~~
 18 ~~notice to the commission, and all such changes shall be~~
 19 ~~plainly indicated upon existing schedules, or by filing new~~
 20 ~~schedules in lieu thereof ten days prior to the time the~~
 21 ~~same are to take effect, provided that the commission, upon~~
 22 ~~application of any public utility, may prescribe a less time~~
 23 ~~within which a reduction may be made, provided, however,~~
 24 ~~that no advance or reduction of existing schedules shall be~~
 25 ~~made without the concurrence of the commission; Copies of~~

1 ~~all--new--or--amended--schedules--shall--be--filed--and--posted--in~~
2 ~~the--stations--or--offices--of--public--utilities--as--in--the--case~~
3 ~~of--original--schedules,--The--commission--may--prescribe--such~~
4 ~~changes--in--the--form--in--which--the--schedules--are--issued--by--any~~
5 ~~public--utility--as--may--be--found--to--be--expedient, as approved~~
6 by the commission. Before it may approve any change in a
7 schedule generally affecting residential consumers in an
8 area, the commission shall publish a notice of the proposed
9 change, conforming to the requirements of section 82-4209(2)
10 in one or more newspapers published daily and of general
11 circulation within the area affected by the proposed change.
12 This notice shall announce a hearing on the proposed change
13 and shall inform interested persons how they may petition
14 the commission to become parties to the hearing. The
15 commission shall proceed to conduct the hearing under the
16 Administrative Procedure Act. The consumer counsel may in
17 his discretion petition to become a party to the hearing.
18 Notwithstanding any provision of this title to the
19 contrary, the final decision of the commission in any matter
20 decided after a hearing conducted pursuant to this section
21 shall conform to the requirements of a decision in a
22 contested case under the Administrative Procedure Act."

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 333

INTRODUCED BY MELOY, HARPER, DRISCOLL, BRADLEY, JIM MOORE

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 70-113, R.C.M. 1947, TO REQUIRE THE PUBLIC SERVICE COMMISSION TO HOLD HEARINGS ON PROPOSED CHANGES IN SCHEDULES WHEN THERE ARE ADVERSE PARTIES, AND TO RENDER DECISIONS IN SUCH CONTESTED CASES IN CONFORMITY WITH THE ADMINISTRATIVE PROCEDURE ACT."

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Section 1. Section 70-113, R.C.M. 1947, is amended to read as follows:

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that in any manner affect the rates charged or to be charged for any service. A copy of so much of said schedule as the commission shall deem necessary for the use of the public shall be printed in plain type, and kept on file in every station or office of such public utility, where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public, and as can be conveniently inspected.

When a schedule of joint rates or charges is or may be in force between two or more public utilities, such schedule shall in like manner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public shall be filed in every such station or office as prescribed in the first paragraph of this section.

No change shall thereafter be made in any schedule, including schedules of joint rates, except upon twenty-days¹ notice--to--the--commission;--and--all--such--changes--shall--be--plainly--indicated--upon--existing--schedules;--or--by--filing--new--schedules--in--lieu--thereof--ten--days--prior--to--the--time--the--same--are--to--take--effect;--provided;--that--the--commission;--upon--application--of--any--public--utility;--may--prescribe--a--less--time--within--which--a--reduction--may--be--made;--provided;--however;--that--no--advance--or--reduction--of--existing--schedules--shall--be--made--without--the--concurrence--of--the--commission;--Copies--of

1 ~~all--new--or--amended-schedules-shall-be-filed-and-posted-in~~
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 3 ~~of--original--schedules,--The--commission-may-prescribe-such~~
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 5 ~~public-utility-as-may-be-found-to-be-expedient, as approved~~
 6 ~~by the commission. Before it may approve any change~~
 7 INCREASING THE RATE OR RATES FOR UTILITY SERVICE in a
 8 schedule generally affecting residential consumers in an
 9 area, the commission shall publish a notice of the proposed
 10 change, conforming to the requirements of section 82-4209(2)
 11 in one or more newspapers published daily and of general
 12 circulation within the area affected by the proposed change.
 13 This notice shall announce a hearing on the proposed change
 14 and shall inform interested persons how they may petition
 15 the commission to become parties to the hearing. The
 16 commission shall proceed to conduct the hearing under the
 17 Administrative Procedure Act. The consumer counsel may in
 18 his discretion petition to become a party to the hearing.

19 Notwithstanding any provision of this title to the
 20 contrary, the final decision of the commission in any matter
 21 decided after a hearing conducted pursuant to this section
 22 shall conform to the requirements of a decision in a
 23 contested case under the Administrative Procedure Act. THE
 24 COMMISSION MAY TEMPORARILY APPROVE AN INCREASE PENDING A
 25 HEARING AND FINAL DECISION. IF THE FINAL DECISION IS TO

1 DISAPPROVE THE INCREASE THE COMMISSION SHALL ORDER A REBATE
 2 TO ALL CONSUMERS FOR THE AMOUNT COLLECTED RETROACTIVE TO THE
 3 DATE OF THE TEMPORARY APPROVAL."

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2 INTRODUCED BY MELOY, HARPER, DRISCOLL, BRADLEY, JIM MOORE

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