

1 H BILL NO. 352
2 INTRODUCED BY Duffy

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 70-113, R.C.M. 1947, TO MAKE EFFECTIVE RATES IN SCHEDULES OR
6 CONTRACTS FILED WITH THE PUBLIC SERVICE COMMISSION 6 MONTHS
7 AFTER FILING OR UPON COMMISSION ACTION, WHICHEVER OCCURS
8 FIRST."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

13 "70-113. Schedules of rates, tolls and charges. Every
14 public utility shall file with the commission, within a time
15 fixed by the commission, schedules which shall be open to
16 public inspection, showing all rates, tolls, and charges
17 which it has established, and which are in force at the
18 time, for any service performed by it within the state, or
19 for any service in connection therewith, or performed by any
20 public utility controlled or operated by it. The rates,
21 tolls, and charges shown on such schedules shall not exceed
22 the rates, tolls, and charges in force at the time of
23 passage of this act. Every public utility shall file with,
24 and as a part of such schedule, all rules and regulations
25 that in any manner affect the rates charged or to be charged

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

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

15 No change shall thereafter be made in any schedule,
16 including schedules of joint rates, except as approved by
17 the commission or upon the passage of 6 months. Before it
18 may approve any change increasing the rate or rates for
19 utility service in a schedule generally affecting consumers
20 in a utility's service area or before any change may become
21 effective due to the passage of 6 months, the commission
22 shall publish a notice of the proposed change, conforming to
23 the requirements of section 82-4209(2) in one or more
24 newspapers published and of general circulation within the
25 area affected by the proposed change. This notice shall

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1 announce a hearing on the proposed change and shall inform
 2 interested persons how they may petition the commission to
 3 become parties to the hearing. The commission shall proceed
 4 to conduct the hearing under the Montana Administrative
 5 Procedure Act. The final decision of the commission in any
 6 matter decided after a hearing conducted pursuant to this
 7 section shall conform to the requirements of a decision in a
 8 contested case under the Montana Administrative Procedure
 9 Act. The consumer counsel may in his discretion petition to
 10 become a party to the hearing.

11 Notwithstanding any provision of this Title to the
 12 contrary, and notwithstanding the existence of and
 13 authorization for the office of consumer counsel, the final
 14 decision of the commission in any matter decided after a
 15 hearing conducted pursuant to this section shall conform to
 16 the requirements of a decision in a contested case under the
 17 Administrative Procedure Act, the rates, tolls, or charges
 18 set forth in any schedule hereafter filed with the
 19 commission pursuant to this section shall become effective
 20 and be lawful rates, tolls, or charges for the utility
 21 service rendered 6 months after the date upon which the
 22 schedule was filed or upon commission approval, whichever
 23 shall occur first; provided, however, that if the rates,
 24 tolls, or charges become effective because of the passage of
 25 6 months' time, the revenues collected thereunder shall be

1 subject to rebate to the extent that the rates, tolls, or
 2 charges ultimately approved by the commission in its final
 3 decision produce revenues which are less than those
 4 collected under the filed schedules. The commission may
 5 temporarily approve an increase pending a hearing and final
 6 decision. If the final decision is to disapprove the
 7 increase the commission shall order a rebate to all
 8 consumers for the amount collected retroactive to the date
 9 of the temporary approval."

10 Section 2. Effective date. This act is effective upon
 11 its passage and approval.

-End-

Approved by Committee
on Business and Industry

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7 MONTHS AFTER FILING OR UPON COMMISSION ACTION, WHICHEVER
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13 such station or office as prescribed in the first paragraph
14 of this section.

15 No change shall thereafter be made in any schedule,
16 including schedules of joint rates, except as approved by
17 the commission ~~or upon the passage of 6 2 months.~~ Before it
18 may approve any change increasing the rate or rates for
19 utility service in a schedule generally affecting consumers
20 in a utility's service area ~~or before any change may become~~
21 ~~effective due to the passage of 6 2 months,~~ the commission
22 shall publish a notice of the proposed change, conforming to
23 the requirements of section 82-4209(2) in one or more
24 newspapers published and of general circulation within the
25 area affected by the proposed change. This notice shall

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 18 set forth in any schedule hereafter filed with the
 19 commission pursuant to this section shall become effective
 20 and be lawful rates, tolls, or charges for the utility
 21 service rendered 6 9 months after the date upon which the
 22 schedule was filed or upon commission approval, whichever
 23 shall occur first; provided, however, that if the rates,
 24 tolls, or charges become effective because of the passage of
 25 6 months' time, the revenues collected thereunder shall be

1 subject to rebate, PLUS INTEREST AT THE RATE OF 10% PER
 2 YEAR, to the extent that the rates, tolls, or charges
 3 ultimately approved by the commission in its final decision
 4 produce revenues which are less than those collected under
 5 the filed schedules. The commission may temporarily approve
 6 an increase pending a hearing and final decision. If the
 7 final decision is to disapprove the increase the commission
 8 shall order a rebate to all consumers for the amount
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13 such station or office as prescribed in the first paragraph
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15 No change shall thereafter be made in any schedule,
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17 the commission or upon the passage of ~~6~~ 9 months. Before it
18 may approve any change increasing the rate or rates for
19 utility service in a schedule generally affecting consumers
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March 11, 1977

STANDING COMMITTEE REPORT
Senate Committee on Judiciary

That House Bill No. 352, third reading, be amended as follows:

1. Amend title, line 8.

Following: ";"

Strike: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

Insert: "SUBJECT TO REBATE WITH INTEREST"

2. Amend page 4, section 2, lines 11 and 12.

Following: line 10

Strike: section 2 in its entirety

March 14, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 352 be amended as follows:

1. Amend page 3, section 1, line 22.

Following: "schedule"

Strike: "was"

Insert: "and necessary supportive papers were"

March 15, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 352, be amended as follows:

1. Amend amendment No. 1.

Strike: amendment No. 1 in its entirety

2. Amend page 3, section 1, line 22.

Following: "filed"

Insert: "under the rules of practice and procedure for filing as
adopted by the commission"

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 22 service rendered 6 9 months after the date upon which the
 23 schedule was AND NECESSARY SUPPORTIVE PAPERS WERE WAS filed
 24 UNDER THE RULES OF PRACTICE AND PROCEDURE FOR FILING AS
 25 ADOPTED BY THE COMMISSION or upon commission approval.

1 whichever shall occur first; provided, however, that if the
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FINAL PRINTING

ADOPTED BY
HOUSE OF REPRESENTATIVES
AND SENATE

-2-

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17 SECTION 2. EFFECTIVE DATE. THIS ACT IS EFFECTIVE UPON
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