

1 ^H BILL NO. 394
2 INTRODUCED BY Sen. Vincent

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE NUMBER OF
5 TEMPORARY RATE INCREASES A PUBLIC UTILITY MAY APPLY FOR IN
6 ANY PENDING ADMINISTRATIVE PROCEEDING RELATING TO PROPOSED
7 RATE INCREASES; AMENDING SECTION 70-113, R.C.M. 1947."

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

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

12 "70-113. Schedules of rates, tolls and charges. (1)
13 Every public utility shall file with the commission, within
14 a time fixed by the commission, schedules which shall be
15 open to public inspection, showing all rates, tolls, and
16 charges which it has established, and which are in force at
17 the time, for any service performed by it within the state,
18 or for any service in connection therewith, or performed by
19 any public utility controlled or operated by it. The rates,
20 tolls, and charges shown on such schedules shall not exceed
21 the rates, tolls, and charges in force at the time of
22 passage of this act. Every public utility shall file with,
23 and as a part of such schedule, all rules and regulations
24 that in any manner affect the rates charged or to be charged
25 for any service. A copy of so much of said schedule as the

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

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

14 (3) No change shall thereafter be made in any
15 schedule, including schedules of joint rates, except as
16 approved by the commission. Before it may approve any
17 change increasing the rate or rates for utility service in a
18 schedule generally affecting consumers in a utility's
19 service area, the commission shall publish a notice of the
20 proposed change, conforming to the requirements of section
21 82-4209(2) in one or more newspapers published and of
22 general circulation within the area affected by the proposed
23 change. This notice shall announce a hearing on the
24 proposed change and shall inform interested persons how they
25 may petition the commission to become parties to the

1 hearing. The commission shall proceed to conduct the
 2 hearing under the Administrative Procedure Act. The
 3 consumer counsel may in his discretion petition to become a
 4 party to the hearing.

5 ~~(4) Notwithstanding any provision of this title to the~~
 6 ~~contrary, the final decision of the commission in any matter~~
 7 ~~decided after a hearing conducted pursuant to this section~~
 8 ~~shall conform to the requirements of a decision in a~~
 9 ~~contested case under the Administrative Procedure Act. The~~
 10 ~~commission may temporarily approve an increase pending a~~
 11 ~~hearing and final decision. The commission may, upon a~~
 12 ~~hearing for that purpose, authorize temporary rate increases~~
 13 ~~only in case the utility's survival is at stake if such~~
 14 ~~temporary increase will not increase the rate of return~~
 15 ~~above the rate approved in the last full rate case. Such~~
 16 ~~temporary increase may not be granted more than once in any~~
 17 ~~12-month period. If the final decision is to disapprove the~~
 18 ~~increase the commission shall order a rebate to all~~
 19 ~~consumers for the amount collected retroactive to the date~~
 20 ~~of the temporary approval.~~

21 ~~(5) Any utility company with gross intrastate utility~~
 22 ~~revenues of less than \$5 million a year may apply for an~~
 23 ~~emergency rate increase whether a regular application is~~
 24 ~~pending or not. Such an emergency rate increase or any~~
 25 ~~portion thereof may be granted after a hearing in the~~

1 ~~absolute discretion of the public service commission if~~
 2 ~~failure to grant such an increase will place the utility in~~
 3 ~~an operating loss position."~~

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