

1 ^H BILL NO. 470
 2 INTRODUCED BY Vincent [Signature]

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE THE DISCRETION
 5 OF THE PUBLIC SERVICE COMMISSION WITH RESPECT TO AN
 6 APPLICATION BY A UTILITY FOR A TEMPORARY RATE INCREASE
 7 ABSOLUTE AND NOT REVIEWABLE; AMENDING SECTION 70-113, R.C.M.
 8 1947."
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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. (1)
 14 Every public utility shall file with the commission, within
 15 a time fixed by the commission, schedules which shall be
 16 open to public inspection, showing all rates, tolls, and
 17 charges which it has established, and which are in force at
 18 the time, for any service performed by it within the state,
 19 or for any service in connection therewith, or performed by
 20 any 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 (2) When a schedule of joint rates or charges is or
 9 may be in force between two or more public utilities, such
 10 schedule 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 (3) No change shall thereafter be made in any
 16 schedule, including schedules of joint rates, except as
 17 approved by the commission. Before it may approve any
 18 change increasing the rate or rates for utility service in a
 19 schedule generally affecting consumers in a utility's
 20 service area, the commission shall publish a notice of the
 21 proposed change, conforming to the requirements of section
 22 82-4209(2) in one or more newspapers published and of
 23 general circulation within the area affected by the proposed
 24 change. This notice shall announce a hearing on the
 25 proposed change and shall inform interested persons how they

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

6 ~~(4)~~ Notwithstanding any provision of this Title to the
7 contrary, the final decision of the commission in any matter
8 decided after a hearing conducted pursuant to this section
9 shall conform to the requirements of a decision in a
10 contested case under the Administrative Procedure Act. The
11 commission, in its absolute discretion, may temporarily
12 approve an increase pending a hearing and final decision.
13 If the final decision is to disapprove the increase the
14 commission shall order a rebate to all consumers for the
15 amount collected retroactive to the date of the temporary
16 approval. The utility shall pay all rebates directly to its
17 affected customers. Rebates due to any customers that cannot
18 be located shall escheat to the state of Montana."

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