

1 INTRODUCTION BY H Vincent BILL NO. 471

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MANDATE THE PUBLIC
5 SERVICE COMMISSION TO CONDUCT A FULL-SCALE HEARING
6 CONCERNING THE ENTIRE REVENUE, EXPENSE, AND PROPERTY OF A
7 UTILITY, IF REQUESTED; 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. 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. Before it may approve any change increasing
18 the rate or rates for utility service in a schedule
19 generally affecting consumers in a utility's service area,
20 the commission shall publish a notice of the proposed
21 change, conforming to the requirements of section 82-4209(2)
22 in one or more newspapers published and of general
23 circulation within the area affected by the proposed change.
24 This notice shall announce a hearing on the proposed change
25 and shall inform interested persons how they may petition

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

5 ~~Upon motion of the consumer counsel or any other~~
6 ~~interested party, the commission may expand the scope of the~~
7 ~~hearing, and in the event that there has not been a general~~
8 ~~review of the utility's financial positions within the most~~
9 ~~recent 24 months, the public service commission shall expand~~
10 ~~the scope of the hearing to contemplate all of the~~
11 ~~jurisdictional revenues, expenses, and property of the~~
12 ~~utility.~~

13 Notwithstanding any provision of this Title to the
14 contrary, the final decision of the commission in any matter
15 decided after a hearing conducted pursuant to this section
16 shall conform to the requirements of a decision in a
17 contested case under the Administrative Procedure Act. The
18 commission may temporarily approve an increase pending a
19 hearing and final decision. If the final decision is to
20 disapprove the increase the commission shall order a rebate
21 to all consumers for the amount collected retroactive to the
22 date of the temporary approval."

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