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INTRODUCED BY Senate BILL NO. 245
Murray

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 70-113, R.C.M. 1947, RELATING TO JUDICIAL REVIEW OF TEMPORARY RATE ORDERS; AND PROVIDING THAT A TEMPORARY RATE INCREASE MAY BE APPROVED PENDING A HEARING OR FINAL ORDER."

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

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

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

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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 as approved by the commission. Before it may approve any change increasing the rate or rates for utility service in a schedule generally affecting consumers in a utility's service area, the commission shall publish a notice of the proposed change, conforming to the requirements of section 82-4209(2) in one or more newspapers published and of general circulation within the area affected by the proposed change. This notice shall announce a hearing on the proposed change and shall inform interested persons how they may petition the commission to become parties to the hearing. The

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

4 Notwithstanding any provision of this Title to the
5 contrary, the final decision of the commission in any matter
6 decided after a hearing conducted pursuant to this section
7 shall conform to the requirements of a decision in a
8 contested case under the Administrative Procedure Act. The
9 commission may temporarily approve an increase pending a
10 hearing and final decision. If the final decision is to
11 disapprove the increase the commission shall order a rebate
12 to all consumers for the amount collected retroactive to the
13 date of the temporary approval. An order of the commission
14 approving or denying a temporary rate increase shall be an
15 intermediate agency action subject to judicial review under
16 the Montana Administrative Procedure Act."

17 Section 2. Effective date. This act is effective on
18 its passage and approval.

-End-

Approved by Committee
on Judiciary

1 SENATE BILL NO. 245

2 INTRODUCED BY MURRAY

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10 increase pending a hearing and OR final decision. If the
11 final decision is to disapprove the increase the commission
12 shall order a rebate to all consumers for the amount
13 collected retroactive to the date of the temporary approval.
14 An order of the commission approving or denying a temporary
15 rate increase shall be an intermediate agency action subject
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18 Section 2. Effective date. This act is effective on
19 its passage and approval.

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18 Procedure Act."

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20 its passage and approval.

-End-

COMMITTEE ON BUSINESS AND INDUSTRY AMENDMENT TO SENATE BILL NO. 245

1. Amend page 3, section 1, lines 10 and 11.
Following: "approve"
Strike: "an increase"
Insert: "increases"

AS AMENDED
BE CONCURRED IN

1 SENATE BILL NO. 245

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