SENATE BILL NO. 269

•

INTRODUCED BY HALLIGAN, R. MANNING

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

IN THE SENATE

| January 24, 1983 | Introduced and referred to Committee on State Administration. | |
|-------------------|---|--|
| February 9, 1983 | Committee recommend bill do pass as amended. Report adopted. | |
| February 10, 1983 | Bill printed and placed on members' desks. | |
| February 11, 1983 | Second reading, do pass. | |
| Pebruary 12, 1983 | Correctly engrossed. | |
| February 14, 1983 | Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House. | |
| IN THE HOUSE | | |
| March 1, 1983 | Introduced and referred to Committee on Business and Industry. | |
| March 17, 1983 | Committee recommend bill be concurred in. Report adopted. | |
| March 21, 1983 | Second reading, concurred in. | |
| March 22, 1983 | Third reading, concurred in. | |

IN THE SENATE

March 23, 1983

۰.

Returned to Senate. Sent to enrolling.

Reported correctly enrolled.

frate BILL NO. 269 1 INTRODUCED BY Halling Kicker 2 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION . 3 4 5 A BILL FOR AN ACT ENTITLED: MAN ACT REQUIRING THE PUBLIC SERVICE COMMISSION TO ORDER REFUNDS OF PUBLIC UTILITY 6 CHARGES UNLAWFULLY COLLECTED AND ALLOWING INTEREST ON SUCH 7 REFUNDS; AMENDING SECTIONS 69-3-305 AND 69-3-330, MCA.* 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 69-3-305; MCA; is amended to read: 12 #69-3-305. Deviations from scheduled rates, tolls, and charges. (1) It shall be unlawful for any public utility to: 13 (a) charge, demand, collect, or receive a greater or 14 less compensation for any service performed by it within the 15 state or for any service in connection therewith than is 16 specified in such printed schedules, including schedules of 17 joint rates, as may at the time be in force; 18 (b) demand, collect, or receive any rate, toll, or 19 charge not specified in such schedules; or 20

(c) grant any rebate, concession, or special privilege 21 to any consumer or user, which, directly or indirectly, 22 23 shall or may have the effect of changing the rates, tolls, charges, or payments. 24

(2) The rates, tolls, and charges named therein shall 25

be the lawful rates, tolls, and charges until the same are 1 2 changed, as provided in this chapter.

3 131 The commission shall order refunds of rates: tolls. or charges collected in violation of this section and 4 5 may_in_its_discretion_order_payment_of_interest_at a 6 reasonable rate on the refunded amount. 7 (3)(4) Any-violation of A public utility violating the 8 provisions of this section shall is subject the violator to the penalty prescribed in 69-3-206. This, however, does not 9 10 have the effect of suspending, rescinding, invalidating, or 11 in any way affecting existing contracts.*

12 Section 2. Section 69-3-330. MCA. is amended to read: 13 #69-3-330. Decision by commission. (1) Ify-upon-such 14 hearing and due-investigations the rates, tolls, charges, schedules, or joint rates shall be are found to be unjust, 15 16 unreasonable, or unjustly discriminatory or to be 17 preferential or otherwise in violation of the provisions of 18 this chapter, the commission shall-have-the-power-to may fix 19 and order substituted therefor such rates, tolls, charges, or schedules as shall-be are just and reasonable. 20

21 (2) If the commission determines that a rate, toll, or 22 charge has been collected in violation of 69-3-305(1)(b); 23 the commission shall order refunds as specified in 24 69-3-305(3). (2)(3) If it--shall--in--like--monner--be--found the 25 INTRODUCED BILL

1 commission_finds that any regulation, measurement, practice, 2 act, or service complained of is unjust, unreasonable, 3 insufficient, preferential, unjustly discriminatory, or 4 otherwise in violation of the provisions of this chapter or 5 if--it--be--found that the service is inadequate or that any reasonable service cannot be obtained, the commission shall 6 7 have---power---to may substitute therefor such other regulations, measurements, practices, services, or acts and 8 9 make such order relating thereto as may-be is just and 10 reasonable.

(3)(4) In any decision ordering a change in the rates 11 12 which may be charged for electricity or natural gas, the 13 commission shall list each expenditure submitted by the 14 utility for allowance as an operating cost which is 15 disallowed by the commission as an element of operating costs. The list of disallowed expenditures shall appear in 16 the written decision of the commission and shall itemize 17 18 each expenditure by amount, category, and purpose.*

-End-

-3--

SB 0269/02

SB 0269/02

Approved by Committee on State Administration

| 1 | SENATE BILL NO. 269 |
|----|--|
| 2 | INTRODUCED BY HALLIGAN. R. MANNING |
| 3 | BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AUTHORIZING |
| 6 | THE PUBLIC SERVICE COMMISSION TO ORDER REFUNDS AND CREDITS |
| 7 | OF PUBLIC UTILITY CHARGES UNLAWFULLY COLLECTED AND ALLOWING |
| 8 | INTEREST ON SUCH REFUNDS; AMENDING SECTIONS 69-3-305 AND |
| 9 | 69-3-330, MCA.= |
| 10 | |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 12 | Section 1. Section 69-3-305, NCA, is amended to read: |
| 13 | #69-3-305. Deviations from scheduled rates, tolls, and |
| 14 | charges. (1) It shall be unlawful for any public utility to: |
| 15 | (a) charge, demand, collect, or receive a greater or |
| 16 | less compensation for any <u>UIILIIY</u> service performed by it |
| 17 | within the state or for any service in connection therewith |
| 18 | than is specified in such printed schedules, including |
| 19 | schedules of joint rates, as may at the time be in force; |
| 20 | (b) demand, collact, or receive any rate, toll, or |
| 21 | charge not specified in such schedules; or |
| 22 | (c) grant any rebate, concession, or special privilege |
| 23 | to any consumer or user, which, directly or indirectly, |
| 24 | shall or may have the effect of changing the rates, tolls, |
| 25 | charges, or payments. |

| 1 | (2) The rates, tolls, and charges named therein shall |
|----|--|
| 2 | be the lawful rates, tolls, and charges until the same are |
| 3 | changed, as provided in this chapter. |
| 4 | (3)The_commission shall May order_refunds ORCREDIIS |
| 5 | ofrates:tolls:_or_charges_collected_in_violation_of_this |
| 6 | section_and_max_in_its_discretion_order_payment_ofinterest |
| 7 | at_a_reasonable_rate_oo_the_refunded_amounts |
| 6 | (3)(4) Any-violation-of <u>A_public_utility_violating</u> the |
| 9 | provisions of this section shall is subject the violator to |
| 10 | the penalty prescribed in 69-3-206. This, however, does not |
| 11 | have the effect of suspending, rescinding, invalidating, or |
| 12 | in any way affecting existing contracts. |
| 13 | Section 2. Section 69-3-330, MCA, is amended to read: |
| 14 | #69-3-330。 Decision by commission。 (1) If yaponsuch |
| 15 | hearinganddueinvestigationyUPON_SUCH_HEARING_AND_DUE |
| 16 | INVESTIGATION: the rates, tolls, charges, schedules, or |
| 17 | joint rates shall-be are found to be unjust, unreasonable, |
| 18 | or unjustly discriminatory or to be preferential or |
| 19 | otherwise in violation of the provisions of this chapter, |
| 20 | the commission shall-have-the-power-to may fix and order |
| 21 | substituted therefor such rates, tolls, charges, or |
| 22 | schedules as shall-be are just and reasonable. |
| | |
| 23 | [2]_If_the_complexion_determines_that_a_ratetoll.or |

25 the commission shall MAY order refunds OB CREDIIS as

24

-2-

charge_bas_been_collected_in_violation_of_69=3=305(1)(b)+

SB 269

1 specified_in_69=3=305(3).

2 t2+131 If tt--shall--in--like--manner--be--found the 3 commission_finds that any regulation, measurement, practice, 4 act, or service complained of is unjust, unreasonable, 5 insufficient, preferential, unjustly discriminatory, or 6 otherwise in violation of the provisions of this chapter or 7 if-it-be-found that the service is inadequate or that any reasonable service cannot be obtained, the commission shall 8 9 heve--power--to may substitute therefor such other 10 regulations, measurements, practices, services, or acts and 11 make such order relating thereto as may--be is just and reasonable. 12

13 (3)(4) In any decision ordering a change in the rates which may be charged for electricity or natural gas, the 14 commission shall list each expenditure submitted by the 15 utility for allowance as an operating cost which is 16 17 disallowed by the commission as an element of operating 18 costs. The list of disallowed expenditures shall appear in the written decision of the commission and shall itemize 19 20 each expenditure by amount: category; and purpose."

-End-

-3-

SB 269

| SB | 0269/02 |
|----|---------|
| | |

| 1 | SENATE BILL NO. 269 |
|------------|--|
| 2 | INTRODUCED BY HALLIGAN, R. MANNING |
| 3 | BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AUTHORIZING |
| 6 | THE PUBLIC SERVICE COMMISSION TO ORDER REFUNDS AND CREDITS |
| 7 | OF PUBLIC UTILITY CHARGES UNLAWFULLY COLLECTED AND ALLOWING |
| 8 | INTEREST ON SUCH REPUNDS; AMENDING SECTIONS 69-3-305 AND |
| 9 | 69-3-330, MCA |
| 10 | |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 12 | Section 1. Section 69-3-305; NCA; is amended to read: |
| 13 | #69-3-305. Deviations from scheduled rates, tolls, and |
| 14 | charges. (1) It shall be unlawful for any public utility to: |
| 15 | (a) charge, demand, collect, or receive a greater or |
| 16 | less compensation for any <u>UIILITY</u> service performed by it |
| 17 | within the state or for any service in connection therewith |
| 18 | than is specified in such printed schedules, including |
| 19 | schedules of joint rates, as may at the time be in force; |
| 20 | (b) demand, collact, or receive any rate, toll, or |
| 21 | charge not specified in such schedules; or |
| 2 2 | (c) grant any rebate, concession, or special privilege |
| 23 | to any consumer or user, which, directly or indirectly. |
| 24 | shall or may have the effect of changing the rates, tolls, |

25 charges, or payments.

| 1 | {2} The rates, tolls, and charges named therein shall |
|----|---|
| z | be the lawful rates, tolls, and charges until the same are |
| 3 | changed, as provided in this chapter. |
| 4 | 131The_compission shelt MAY order_refunds ORCREDIIS |
| 5 | ef |
| 6 | section and may in its discretion order payment of interest |
| 7 | at_a_reasonable_rate_on_the_refunded_amounte |
| 8 | (3)(4) Any-violation-of A public utility violating the |
| 9 | provisions of this section shall is subject the-violator to |
| 10 | the penalty prescribed in 69-3-206. This, however, does not |
| 11 | have the effect of suspending, rescinding, invalidating, or |
| 12 | in any way affecting existing contracts." |
| 13 | Section 2. Section 69-3-330. MCA, is amended to read: |
| 14 | #69-3-330。 Decision by commission。 (1) Ifyuponsuch |
| 15 | hearingandduainvestigationy <u>s_UPON_SUCH_HEARING_AND_DUE</u> |
| 16 | INVESTIGATION: the rates, tolls, charges, schedules, or |
| 17 | joint rates shall-be are found to be unjust, unreasonable, |
| 18 | or unjustly discriminatory or to be preferential or |
| 19 | otherwise in violation of the provisions of this chapter, |
| 20 | the commission shall-have-the-power-to gay fix and order |
| 21 | substituted therefor such rates, tolls, charges, or |
| 22 | schedules as shall-be are just and reasonable. |
| 23 | (2)If_the_commission_determines_that_a_rates_tolls_or |
| 24 | <u>charge_has_been_collected_in_violation_of_69-3-305(1)(b)</u> |

25 the commission shall MAY order refunds OR CREDIIS as

-2-

SB 269

THIRD READING

1 specified_in_69=3=305(3).

(2)(3) If it--shall--in--like--manner--be--found the 2 3 commission_finds that any regulation, measurement, practice, act, or service complained of is unjust, unreasonable, 4 5 insufficient, preferential, unjustly discriminatory, or 6 otherwise in violation of the provisions of this chapter or 7 +f-it-be-found that the service is inadequate or that any 8 reasonable service cannot be obtained, the commission shall 9 have--power--to may substitute therefor such other 10 regulations, measurements, practices, services, or acts and make such order relating thereto as may-be is just and 11 12 reasonable.

13 (3)[4] In any decision ordering a change in the rates 14 which may be charged for electricity or natural gas, the commission shall list each expenditure submitted by the 15 utility for allowance as an operating cost which is 16 17 disallowed by the commission as an element of operating 18 costs. The list of disallowed expenditures shall appear in 19 the written decision of the commission and shall itemize each expenditure by amount, category, and purpose." 20

-End-

-3-

SB 269

| z | INTRODUCED BY HALLIGAN. R. MANNING |
|---|---|
| 3 | BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: MAN ACT REQUIRING AUIHOBIZING |
| 6 | THE PUBLIC SERVICE COMMISSION TO ORDER REFUNDS AND CREDIIS |
| 7 | OF PUBLIC UTILITY CHARGES UNLAWFULLY COLLECTED AND ALLOWING |
| អ | INFEREST ON SUCH REFUNDS; AMENDING SECTIONS 69-3-305 AND |
| 9 | 69-3-330, MCA." |

SENATE BILL NO. 269

10

1

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

12 fection 1. Section 69+3-305. MCA. is amended to read: #69-3-305. Deviations from scheduled rates, tolls, and 13 14 charges. (1) It shall be unlawful for any public utility to: 15 (a) charge, demand, collect, or receive a greater or less compensation for any <u>UTILITY</u> service performed by it 16 within the state or for any service in connection therewith 17 than is specified in such printed schedules, including 18 schedules of joint rates, as may at the time be in force; 19 (b) demand, collect, or receive any rate, toll, or 20

21 charge not specified in such schedules; or

(c) grant any rebate, concession, or special privilege
to any consumer or user, which, directly or indirectly,
shall or may have the effect of changing the rates, tolls,
charges, or payments.

1 (2) The rates, tolls, and charges named therein shall 2 be the lawful rates, tolls, and charges until the same are 3 changed, as provided in this chapter. 4 (3)__The_commission shall MAY order_refunds OR__CREDITS 5 of rates. tolls. or charges collected in violation of this section_and_max_in_its_discretion_order_payment_of__interest 6 7 at_a_reasonable_rate_on_the_refunded_amount+ 8 (3)(4) Any-violation-of A_public_utility_violating the 9 provisions of this section shall is subject the violator to the penalty prescribed in 69-3-296. This, however, does not 10 11 have the effect of suspending, rescinding, invalidating, or 12 in any way affecting existing contracts." 13 Section 2. Section 69-3-330, MCA, is amended to read: 14 15 hearing--and--due--investigationy_U20N_SUCH_HEARING_AND_DUE INVESTIGATION: the rates, tolls, charges, schedules, or 16 17 joint rates shall-be are found to be unjust, unreasonable, or unjustly discriminatory or to be preferential or 18 otherwise in violation of the provisions of this chapter. 19 20 the commission shall-heve-the-power-to may fix and order

substituted therefor such rates, tolls, charges, or

charge_bas_been_collected_in__violation__of_69=3=305(11(b).

the completion shall MAY order refunds OR CREDIIS as

-2-

(2) If the commission determines that a rate, toll, or

schedules as shall-be are just and reasonable.

21

22

23

24

25

REFERENCE BILL

58 269

58 269

1 specified_in_69=3=305(3).

2 t27131 If it--shall--in--like--monner--be--found the 3 commission finds that any regulation, measurement, practice, 4 act, or service complained of is unjust, unreasonable, 5 insufficient, preferential, unjustly discriminatory, or 6 otherwise in violation of the provisions of this chapter or 7 if-it-be-found that the service is inadequate or that any 8 reasonable service cannot be obtained, the commission shall 9 have--power--to may substitute therefor such other 10 regulations, measurements, practices, services, or acts and 11 make such order relating thereto as mey--be is just and 12 reasonable.

13 (3)(4) In any decision ordering a change in the rates which may be charged for electricity or natural gas, the 14 15 commission shall list each expenditure submitted by the 16 utility for allowance as an operating cost which is disallowed by the commission as an element of operating 17 18 costs. The list of disallowed expenditures shall appear in 19 the written decision of the commission and shall itemize 20 each expenditure by amount, category, and purpose."

-End-

-3-