

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.
February 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

Returned to Senate. Sent to  
enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *269*  
 2 INTRODUCED BY *Billings* *Richard Manning*  
 3 BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE PUBLIC  
 6 SERVICE COMMISSION TO ORDER REFUNDS OF PUBLIC UTILITY  
 7 CHARGES UNLAWFULLY COLLECTED AND ALLOWING INTEREST ON SUCH  
 8 REFUNDS; AMENDING SECTIONS 69-3-305 AND 69-3-330, MCA."

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  
 13 charges. (1) It shall be unlawful for any public utility to:

14 (a) charge, demand, collect, or receive a greater or  
 15 less compensation for any service performed by it within the  
 16 state or for any service in connection therewith than is  
 17 specified in such printed schedules, including schedules of  
 18 joint rates, as may at the time be in force;

19 (b) demand, collect, or receive any rate, toll, or  
 20 charge not specified in such schedules; or

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

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

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

3 ~~(3) The commission shall order refunds of rates,~~  
 4 ~~tolls, or charges collected in violation of this section and~~  
 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~~  
 9 ~~the penalty prescribed in 69-3-206. This, however, does not~~  
 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) ~~If, upon such~~  
 14 ~~hearing and due investigation,~~ the rates, tolls, charges,  
 15 schedules, or joint rates ~~shall be~~ are found to be unjust,  
 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,  
 20 or schedules as ~~shall be~~ are just and reasonable.

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).~~

25 ~~(2)(3) If it--shall--in--like--manner--be--found the~~

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  
6 reasonable service cannot be obtained, the commission ~~shall~~  
7 ~~have power to~~ may substitute therefor such other  
8 regulations, measurements, practices, services, or acts and  
9 make such order relating thereto as ~~may be~~ is just and  
10 reasonable.

11 ~~§3(4)~~ In any decision ordering a change in the rates  
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  
16 costs. The list of disallowed expenditures shall appear in  
17 the written decision of the commission and shall itemize  
18 each expenditure by amount, category, and purpose."

-End-

Approved by Committee  
on State Administration

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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AUTHORIZING  
THE PUBLIC SERVICE COMMISSION TO ORDER REFUNDS ~~AND CREDITS~~  
OF PUBLIC UTILITY CHARGES UNLAWFULLY COLLECTED AND ALLOWING  
INTEREST ON SUCH REFUNDS; AMENDING SECTIONS 69-3-305 AND  
69-3-330, MCA."

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(a) charge, demand, collect, or receive a greater or  
less compensation for any ~~UTILITY~~ service performed by it  
within the state or for any service in connection therewith  
than is specified in such printed schedules, including  
schedules of joint rates, as may at the time be in force;

(b) demand, collect, or receive any rate, toll, or  
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.

(2) The rates, tolls, and charges named therein shall  
be the lawful rates, tolls, and charges until the same are  
changed, as provided in this chapter.

~~(3) The commission shall MAY order refunds OR CREDITS~~  
~~of rates, tolls, or charges collected in violation of this~~  
~~section and may in its discretion order payment of interest~~  
~~at a reasonable rate on the refunded amount.~~

~~(3)(4) Any violation of a public utility violating the~~  
provisions of this section ~~shall~~ is subject ~~the violator~~ to  
the penalty prescribed in 69-3-206. This, however, does not  
have the effect of suspending, rescinding, invalidating, or  
in any way affecting existing contracts."

Section 2. Section 69-3-330, MCA, is amended to read:

"69-3-330. Decision by commission. (1) If ~~upon such~~  
~~hearing and due investigation,~~ UPON SUCH HEARING AND DUE  
INVESTIGATION, the rates, tolls, charges, schedules, or  
joint rates ~~shall be~~ are found to be unjust, unreasonable,  
or unjustly discriminatory or to be preferential or  
otherwise in violation of the provisions of this chapter,  
the commission ~~shall have the power to~~ may fix and order  
substituted therefor such rates, tolls, charges, or  
schedules as ~~shall be~~ are just and reasonable.

~~(2) If the commission determines that a rate, toll, or~~  
~~charge has been collected in violation of 69-3-305(1)(b),~~  
~~the commission shall MAY order refunds OR CREDITS as~~

1 specified in 62-3-305(3) a.

2       ~~(2)(3)~~ If ~~it--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  
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7 ~~if--it--be--found~~ that the service is inadequate or ~~that~~ any  
8 reasonable service cannot be obtained, the commission ~~shall~~  
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10 regulations, measurements, practices, services, or acts and  
11 make such order relating thereto as ~~may--be~~ is just and  
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  
15 commission shall list each expenditure submitted by the  
16 utility for allowance as an operating cost which is  
17 disallowed by the commission as an element of operating  
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of rates, tolls, or charges collected in violation of this  
section and may in its discretion order payment of interest  
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~~charge has been collected in violation of 69-3-305(1)(b),~~  
~~the commission shall~~ MAY order refunds OR CREDITS as

1 ~~specified in 62-3-305(3)1.~~

2     ~~{2}{3} If it shall in like manner be found the~~  
3     ~~commission finds~~ that any regulation, measurement, practice,  
4     act, or service complained of is unjust, unreasonable,  
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1 specified in 62-3-105(3).

2       ~~(2)(3)~~ If ~~it--shall--in--the--manner--be--found~~ the

3 commission finds that any regulation, measurement, practice,

4 act, or service complained of is unjust, unreasonable,

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