

HOUSE BILL NO. 574

INTRODUCED BY THOMAS, QUILICI

BY REQUEST OF THE MONTANA PUBLIC SERVICE COMMISSION

IN THE HOUSE

January 30, 1985	Introduced and referred to Committee on Business and Labor.
February 12, 1985	Committee recommend bill do pass. Report adopted. Statement of Intent attached.
February 13, 1985	Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass. Considered correctly engrossed.
February 18, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 19, 1985	Introduced and referred to Committee on Business and Industry.
March 28, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 48; Noes, 0. Returned to House with amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amendments
concurrent in.

On motion, rules suspended and
bill placed on third reading
this day.

Third reading, amendments
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

APPROVED BY COMM. ON
BUSINESS AND LABOR

1 STATEMENT OF INTENT

2 HOUSE BILL 574

3 House Business and Labor Committee

4

5 A statement of intent is required for this bill because
6 it grants the public service commission the authority to
7 promulgate rules to implement this section, if necessary.
8 The utility service billing errors described in subsections
9 (2)(a) and (2)(b) may take many forms, as each type of
10 utility service provided is billed in a manner peculiar to
11 the particular service, e.g., telephone versus electrical
12 billing. Given this utility billing diversity, the
13 legislature finds it necessary to allow the public service
14 commission rulemaking authority to allow the commission to
15 address unanticipated billing error problems.

1 HOUSE BILL NO. 574
 2 INTRODUCED BY THOMAS, QUILICI
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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PUBLIC
 6 UTILITIES REGULATED BY THE PUBLIC SERVICE COMMISSION TO
 7 CORRECT CUSTOMER BILLING ERRORS BY BACK-BILLING NO MORE THAN
 8 6 MONTHS FROM DISCOVERY OF THE ERROR; PROVIDING RULEMAKING
 9 AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Public utility errors in billing customers.

13 (1) For the purposes of this section:

14 (a) "public utility" does not include a municipal
15 utility as defined in chapter 7 of this title;

16 (b) a "customer billing error":

17 (i) includes any bill issued by the utility that is
18 not designated as an estimated bill and that understates the
19 amount owed by the customer;

20 (ii) includes a utility's failure to bill a customer
21 for service provided that would be billed to the customer
22 under the utility's normal billing practices;

23 (iii) excludes errors that result from the theft of
24 service by the customer; and

25 (iv) excludes errors involving a utility's industrial

1 class customers.
2 (2) Whenever a public utility discovers a customer
3 billing error, the utility may submit a bill to the customer
4 for a period not to exceed the 6 months preceding the date
5 the billing error is discovered.

6 Section 2. The commission may adopt rules to implement
7 section 1.

8 Section 3. Codification instruction. Section 1 is
9 intended to be codified as an integral part of Title 69,
10 chapter 3, part 2, and the provisions of Title 69 apply to
11 section 1.

12 Section 4. Effective date. This act is effective on
13 passage and approval.

-End-

1 STATEMENT OF INTENT

2 HOUSE BILL 574

3 House Business and Labor Committee

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THIRD READING

HB 574

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15 utility as defined in chapter 7 of this title;

16 (b) a "customer billing error":

17 (i) includes any bill issued by the utility that is
18 not designated as an estimated bill and that understates the
19 amount owed by the customer;20 (ii) includes a utility's failure to bill a customer
21 for service provided that would be billed to the customer
22 under the utility's normal billing practices;23 (iii) excludes errors that result from the theft of
24 service by the customer; and

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5 the billing error is discovered.

6 Section 2. The commission may adopt rules to implement
7 section 1.8 Section 3. Codification instruction. Section 1 is
9 intended to be codified as an integral part of Title 69,
10 chapter 3, part 2, and the provisions of Title 69 apply to
11 section 1.12 Section 4. Effective date. This act is effective on
13 passage and approval.

-End-

SENATE

STANDING COMMITTEE REPORT

MARCH 27

85

..... 19.....

MR. PRESIDENT

We, your committee on BUSINESS & INDUSTRY

having had under consideration HOUSE BILL No. 574

third reading copy (blue color)

LETS PUBLIC UTILITIES CORRECT CUSTOMER BILLING ERRORS BY BACKBILLING 6 MOS. (Kolstad)

Respectfully report as follows: That HOUSE BILL No. 574

be amended as follows:

1. Page 1, line 24. Following: "customer;" Strike: "and"

2. Page 2, line 1. Following: "customer" Insert: ";and (v) excludes errors incurred in the billing of long distance services by a telecommunications utility"

AND AS AMENDED BE CONCURRED IN

XXXXXX

XXXXXXXXXX

Sen. Mike Halligan Chairman.

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REFERENCE BILL

HB 574

HOUSE BILL NO. 574

INTRODUCED BY THOMAS, QUILICI

BY REQUEST OF THE MONTANA PUBLIC SERVICE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW PUBLIC UTILITIES REGULATED BY THE PUBLIC SERVICE COMMISSION TO CORRECT CUSTOMER BILLING ERRORS BY BACK-BILLING NO MORE THAN 6 MONTHS FROM DISCOVERY OF THE ERROR; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Public utility errors in billing customers.

(1) For the purposes of this section:

(a) "public utility" does not include a municipal utility as defined in chapter 7 of this title;

(b) a "customer billing error":

(i) includes any bill issued by the utility that is not designated as an estimated bill and that understates the amount owed by the customer;

(ii) includes a utility's failure to bill a customer for service provided that would be billed to the customer under the utility's normal billing practices;

(iii) excludes errors that result from the theft of service by the customer; and

(iv) excludes errors involving a utility's industrial

class customers; AND

(V) EXCLUDES ERRORS INCURRED IN THE BILLING OF LONG DISTANCE SERVICES BY A TELECOMMUNICATIONS UTILITY.

(2) Whenever a public utility discovers a customer billing error, the utility may submit a bill to the customer for a period not to exceed the 6 months preceding the date the billing error is discovered.

Section 2. The commission may adopt rules to implement section 1.

Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 69, chapter 3, part 2, and the provisions of Title 69 apply to section 1.

Section 4. Effective date. This act is effective on passage and approval.

-End-

