

HOUSE BILL NO. 538

INTRODUCED BY FOSTER, QUILICI, CRIPPEN, D. BROWN, LYNCH,
DRISCOLL, KENNEDY, HARRINGTON, BENEDICT, STRIZICH, HARP

IN THE HOUSE

FEBRUARY 9, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
FEBRUARY 16, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 18, 1993	ENGROSSING REPORT.
FEBRUARY 19, 1993	THIRD READING, PASSED. AYES, 98; NOES, 0.
FEBRUARY 22, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 22, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
MARCH 17, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 18, 1993	SECOND READING, CONCURRED IN.
MARCH 19, 1993	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 20, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *538*
 2 INTRODUCED BY *Ernest J. Jurek* *Dave Beem*
 3 *Jim Dunsell* *Ken Hargett* BENEDICT
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT A
 5 PROVIDER OF REGULATED TELECOMMUNICATIONS SERVICES MAY NOT,
 6 IN PROMOTIONAL OFFERINGS, COMBINE MONOPOLY SERVICES WITH
 7 COMPETITIVE SERVICES UNLESS AUTHORIZED BY THE PUBLIC SERVICE
 8 COMMISSION; AMENDING SECTION 69-3-305, MCA; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

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

12 **Section 1.** Section 69-3-305, MCA, is amended to read:

13 "69-3-305. Deviations from scheduled rates, tolls, and
 14 charges. (1) A public utility may not:

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

21 (b) demand, collect, or receive a rate, toll, or charge
 22 not specified in the schedules; or

23 (c) grant a rebate, concession, or special privilege to
 24 a consumer or user that, directly or indirectly, shall has
 25 or may have the effect of changing the rates, tolls,

1 charges, or payments.

2 (2) The rates, tolls, and charges named in the printed
 3 schedules are the lawful rates, tolls, and charges until the
 4 rates, tolls, and charges are changed, as provided in this
 5 chapter.

6 (3) The commission may order refunds or credits of
 7 rates, tolls, or charges collected in violation of this
 8 section and may order payment of interest at a reasonable
 9 rate on the refunded amount.

10 (4) The provisions of this section do not prohibit the
 11 sharing of profits or revenues with customers in conjunction
 12 with an alternative form of regulation approved under
 13 69-3-809. Additionally, a provider of regulated
 14 telecommunications service may offer, for a limited period
 15 of time, either rebates or reductions or waivers of
 16 installation charges in conjunction with promotions, market
 17 trials, or other sales-related activities that are common
 18 business practices. Promotional pricing of services that
 19 remain fully tariffed requires advance approval of the
 20 commission. No A promotional offering may not combine
 21 monopoly services with competitive services unless
 22 authorized by the commission. The commission may define the
 23 appropriate scope of promotions, rebates, and market trials,
 24 either by rule or in response to complaints. The commission
 25 may determine whether a particular sales activity under this

1 subsection is unfairly discriminatory or is not
2 cost-effective. Costs and expenses incurred or revenue
3 foregone with respect to sales activities that the
4 commission determines are unfairly discriminatory or not
5 cost-effective are the responsibility of the provider's
6 shareholders in rates set by the commission.

7 (5) A public utility violating the provisions of this
8 section is subject to the penalty prescribed in 69-3-206.
9 This, however, does not have the effect of suspending,
10 rescinding, invalidating, or in any way affecting existing
11 contracts."

12 NEW SECTION. **Section 2.** Effective date. [This act] is
13 effective on passage and approval.

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

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2 INTRODUCED BY *Fraser, J. J. / Dave Brown*
3 *Jim D. / Remick / Amyta* BENEDICT
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5 ~~PROVIDER~~ *HARP* OF REGULATED TELECOMMUNICATIONS SERVICES MAY NOT,
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12 NEW SECTION. **Section 2.** Effective date. [This act] is
13 effective on passage and approval.

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 3 *Spil, Daniel, Kenneth, Hanyta* BENEDICT
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