

SENATE BILL NO. 132

INTRODUCED BY STANG
BY REQUEST OF THE PUBLIC SERVICE COMMISSION

IN THE SENATE

JANUARY 13, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	FIRST READING.
JANUARY 23, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 25, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 26, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
MARCH 4, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1993	SECOND READING, CONCURRED IN.
MARCH 9, 1993	THIRD READING, CONCURRED IN. AYES, 93; NOES, 5.
MARCH 10, 1993	RETURNED TO SENATE.

IN THE SENATE

MARCH 11, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 ~~Senate~~ BILL NO. 132
2 INTRODUCED BY ~~Blank~~
3 BY REQUEST OF THE PUBLIC SERVICE COMMISSION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE PUBLIC
6 SERVICE COMMISSION TO ADOPT STANDARDS FOR UTILITY PRODUCTS
7 AND SERVICES BY RULE, ORDER, OR A COMBINATION OF BOTH; AND
8 AMENDING SECTION 69-3-108, MCA."
9

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

11 **Section 1.** Section 69-3-108, MCA, is amended to read:

12 "69-3-108. Standards for and examinations of products
13 and services. (1) The commission shall ascertain and
14 prescribe for each kind of public utility suitable and
15 convenient commercial units of product or service. These
16 ~~shall-be~~ are lawful units for the purposes of this chapter.

17 (2) The commission shall ascertain and fix adequate and
18 serviceable standards for the measurement of quality,
19 pressure, initial voltage, or other conditions pertaining to
20 the supply of the product or service rendered by any public
21 utility and prescribe adopt reasonable regulations rules or
22 issue orders for examination and testing of such the product
23 or service and for the measurement thereof of the product or
24 service.

25 (3) The commission shall provide for the examination

1 and testing of ~~any-and-all~~ appliances used for the measuring
2 of any product or service of a public utility. Any A
3 consumer or user may have ~~any-such~~ appliances tested upon
4 payment of the fees fixed by the commission. The commission
5 shall establish ~~and-declare~~ reasonable fees to be paid for
6 testing such appliances on the request of the consumers or
7 users, the fee to be paid by the consumer or user at the
8 time of ~~his~~ the request. These fees ~~however, shall~~ must be
9 paid by the public utility and repaid to the complaining
10 party if the quality or quantity of the product or the
11 character of the service is found by the commission
12 defective or insufficient in a degree to justify the demand
13 for testing, or the commission may apportion the fees
14 between the parties as justice may require.

15 (4) The commission may, in its discretion, purchase
16 such materials, apparatus, and standard measuring
17 instruments for such examinations and tests as it ~~may-deem~~
18 considers necessary.

19 (5) The commission or its agents, experts, or examiners
20 ~~shall-have-the-power-to~~ may enter upon any premises occupied
21 by any a public utility for the purpose of making the
22 examinations and tests provided in this chapter and to set
23 up and use on such the premises any apparatus and appliances
24 and occupy reasonable space ~~therefor~~ for the examinations
25 and tests. Any A public utility refusing to allow such

1 examinations to be made, as herein provided in this chapter,
2 ~~shall-be~~ is subject to the penalties prescribed in 69-3-206.

3 (6) The commission may establish the standards, units,
4 measurements, examinations, and fees by administrative rules
5 generally applicable to each kind of utility or by
6 administrative order applicable to an individual utility, or
7 by a combination of rule and order. If established by order,
8 the utility shall adopt or amend its tariffed operating
9 rules to include the standard, unit, measurement,
10 examination, or fee ordered by the commission."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0132, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill authorizes the Public Service Commission (PSC) to adopt standards for utility products and services by rule, order, or a combination of both.

ASSUMPTIONS:

1. The bill clarifies the law to conform with current practices. Hence, the proposal has no fiscal impact.

FISCAL IMPACT: None.

 1-19-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/20/93

BARRY STANG, PRIMARY SPONSOR DATE

Fiscal Note for SB0132, as introduced

SB 132

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

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AND SERVICES BY ~~RULE,--ORDER,--OR--A--COMBINATION--OF--BOTH~~
ADMINISTRATIVE RULE OR ORDERED TARIFF PROVISION; AND
AMENDING SECTION 69-3-108, MCA."

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(2) The commission shall ascertain and fix adequate and
serviceable standards for the measurement of quality,
pressure, initial voltage, or other conditions pertaining to
the supply of the product or service rendered by any public
utility and ~~prescribe~~ adopt ESTABLISH reasonable ~~regulations~~
~~rules-or-issue-orders~~ STANDARDS for examination and testing
of ~~such~~ the product or service and for the measurement
thereof of the product or service.

(3) The commission shall provide for the examination
and testing of ~~any-and-all~~ appliances used for the measuring
of any product or service of a public utility. ~~Any~~ A
consumer or user may have ~~any-such~~ appliances tested upon
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users, the fee to be paid by the consumer or user at the
time of ~~his~~ the request. These fees~~,-however,-shall~~ must be
paid by the public utility and repaid to the complaining
party if the quality or quantity of the product or the
character of the service is found by the commission
defective or insufficient in a degree to justify the demand
for testing, or the commission may apportion the fees
between the parties as justice may require.

(4) The commission may, in its discretion, purchase
~~such~~ materials, apparatus, and standard measuring
instruments for ~~such~~ examinations and tests as it ~~may-deem~~
considers necessary.

(5) The commission or its agents, experts, or examiners
~~shall-have-the-power-to~~ may enter upon any premises occupied
by ~~any~~ a public utility for the purpose of making the
examinations and tests provided in this chapter and to set
up and use on ~~such~~ the premises any apparatus and appliances
and occupy reasonable space ~~therefor~~ for the examinations

1 and tests. Any A public utility refusing to allow such
 2 examinations to be made, as herein provided in this chapter,
 3 shall-be is subject to the penalties prescribed in 69-3-206.
 4 (6) ~~The commission may establish the standards, units,~~
 5 ~~measurements, examinations, and fees by administrative rules~~
 6 ~~generally applicable to each kind of utility or by~~
 7 ~~administrative order applicable to an individual utility, or~~
 8 ~~by a combination of rule and order. If established by order,~~
 9 ~~the utility shall adopt or amend its tariffed operating~~
 10 ~~rules to include the standard, unit, measurement,~~
 11 ~~examination, or fee ordered by the commission.~~ THE STANDARDS
 12 AND FEES ESTABLISHED BY THE COMMISSION PURSUANT TO THIS
 13 SECTION MUST BE ESTABLISHED THROUGH ADMINISTRATIVE RULES OR
 14 ORDERED TARIFF PROVISIONS, IN ACCORDANCE WITH THE MONTANA
 15 ADMINISTRATIVE PROCEDURE ACT."

-End-

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19 serviceable standards for the measurement of quality,
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22 by ~~any~~ a public utility for the purpose of making the
23 examinations and tests provided in this chapter and to set
24 up and use on ~~such~~ the premises any apparatus and appliances
25 and occupy reasonable space therefor for the examinations

1 and tests. Any A public utility refusing to allow such
 2 examinations to be made, as herein provided in this chapter,
 3 shall-be is subject to the penalties prescribed in 69-3-206.
 4 (6) The-commission-may-establish-the-standards,--units,
 5 measurements,--examinations,--and-fees-by-administrative-rules
 6 generally---applicable---to--each--kind--of--utility--or--by
 7 administrative-order-applicable-to-an-individual-utility,--or
 8 by-a-combination-of-rule-and-order,--if-established-by-order,
 9 the-utility-shall-adopt--or--amend--its--tariffed--operating
 10 rules---to---include---the---standard,---unity--measurement,
 11 examination,--or-fee-ordered-by-the-commission; THE STANDARDS
 12 AND FEES ESTABLISHED BY THE COMMISSION PURSUANT TO THIS
 13 SECTION MUST BE ESTABLISHED THROUGH ADMINISTRATIVE RULES OR
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and tests. Any A public utility refusing to allow such examinations to be made, as herein provided in this chapter, shall-be is subject to the penalties prescribed in 69-3-206.

(6) ~~The commission may establish the standards, unitary measurements, examinations, and fees by administrative rules generally applicable to each kind of utility or by administrative order applicable to an individual utility, or by a combination of rule and order, if established by order, the utility shall adopt or amend its tariffed operating rules to include the standard, unit, measurement, examination, or fee ordered by the commission.~~ THE STANDARDS AND FEES ESTABLISHED BY THE COMMISSION PURSUANT TO THIS SECTION MUST BE ESTABLISHED THROUGH ADMINISTRATIVE RULES OR ORDERED TARIFF PROVISIONS, IN ACCORDANCE WITH THE MONTANA ADMINISTRATIVE PROCEDURE ACT."

-End-