

1 HOUSE BILL NO. 104

2 INTRODUCED BY R. DRISCOLL

3 BY REQUEST OF THE PUBLIC SERVICE COMMISSION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING LIMITATIONS ON A RETAIL CUSTOMER'S ABILITY
6 TO RECEIVE ELECTRICITY SUPPLY SERVICE FROM ELECTRICITY SUPPLIERS; AMENDING SECTION
7 69-8-201, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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11 **Section 1.** Section 69-8-201, MCA, is amended to read:12 **"69-8-201. Public utility -- customer electricity supply service options and requirements --**

13 **exemption.** (1) (a) Except as provided in subsections (1)(b) and (1)(c), a retail customer that has an individual
14 load with an average monthly demand of greater than or equal to 5,000 kilowatts and that is not purchasing
15 electricity supply service from a public utility on October 1, 2007, may not purchase electricity supply service from
16 a public utility.

17 (b) A retail customer referred to in subsection (1)(a) may request electricity supply service from the public
18 utility, and the public utility shall provide electricity supply service if the retail customer demonstrates that the
19 provision of electricity supply service to the retail customer will not adversely impact the public utility's other
20 customers over the long term as determined by the commission.

21 (c) If a public utility provides electricity supply service to a retail customer as provided in subsection
22 (1)(b), that service is regulated by the commission and the customer may not, at a later date, purchase electricity
23 supply service from another provider of electricity supply service.

24 (2) (a) A retail customer that has an individual load with an average monthly demand of less than 5,000
25 kilowatts that is not ~~purchasing~~ receiving electricity for a meter or individual point of delivery from a public utility
26 on October 1, 2007, may continue to purchase electricity for that meter, including a replacement meter, or
27 individual point of delivery from an electricity supplier. The retail customer may subsequently purchase electricity
28 for that meter, including a replacement meter, or individual point of delivery from a public utility subject to
29 commission rule or order, but the customer may not, at a later date, choose to purchase electricity from another
30 source.

1 (b) A retail customer that has an individual load with an average monthly demand of less than 5,000
2 kilowatts ~~and that is not currently purchasing~~ receiving electricity for a meter or individual point of delivery from
3 ~~a public utility~~ an electricity supplier may not choose to purchase electricity ~~from another source after October~~
4 ~~1, 2007~~ for that meter, including a replacement meter, or individual point of delivery from an electricity supplier.

5 (3) Nothing in this section affects a retail customer's rights and obligations with respect to net metering,
6 cogeneration, self-generation, or ancillary sales of electricity related to deviations from scheduled energy
7 deliveries from nonutility suppliers, as may be provided for in law, commission rule or order, or a tariff approved
8 by the public service commission or the federal energy regulatory commission.

9 (4) (a) Except as provided in 69-5-101, 69-5-102, 69-5-104 through 69-5-112, 69-8-402, and subsection
10 (4)(b) of this section, a public utility currently doing business in Montana as part of a single integrated multistate
11 operation, no portion of which lies within the basin of the Columbia River, is exempt from the requirements of this
12 chapter.

13 (b) To the extent that a public utility described in subsection (4)(a) becomes the successor in interest
14 of another public utility that has restructured in accordance with this chapter before October 1, 2007, it is subject
15 to the requirements of this chapter with respect to the service area of the acquired public utility."
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17 **NEW SECTION. Section 2. Saving clause.** [This act] does not affect rights and duties that matured,
18 penalties that were incurred, or proceedings that were begun before [the effective date of this act].
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20 **NEW SECTION. Section 3. Severability.** If a part of [this act] is invalid, all valid parts that are severable
21 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
22 remains in effect in all valid applications that are severable from the invalid applications.
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24 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.
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26 **NEW SECTION. Section 5. Applicability.** [This act] applies to proceedings begun on or after [the
27 effective date of this act].
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