

HOUSE BILL NO. 42

INTRODUCED BY E. GREEF

BY REQUEST OF THE PUBLIC SERVICE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN PUBLIC SERVICE COMMISSION NOTICE AND HEARING REQUIREMENTS; ELIMINATING REQUIREMENTS FOR NEWSPAPER PUBLICATION OF A NOTICE OF RATE CHANGE UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 69-3-303, MCA."

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

Section 1. Section 69-3-303, MCA, is amended to read:

"69-3-303. Notice and hearing on proposed change. (1) (a) Except as provided in 69-3-308 and subsection (1)(c) of this section, before the commission ~~may approve~~ approves any change increasing the rate or rates for utility service in a schedule generally affecting consumers in a utility's service area or before any change ~~may become~~ becomes effective due to the passage of 9 months, the commission shall publish a notice of the proposed change, ~~conforming to the requirements of 2-4-601~~ in one or more newspapers published and of general circulation within the area affected by the proposed change.

(b) ~~This~~ The notice must announce ~~a~~ an opportunity for hearing on the proposed change and must inform interested persons as to how they may petition the commission to become parties to the hearing.

(c) ~~If the commission or the utility requesting a change to increase a rate or rates for service sends written notice directly to each affected customer, publication in one or more newspapers within the area affected by the proposed change is not required.~~

~~(2)~~ If the commission proceeds to a hearing, it shall ~~proceed to~~ issue notice conforming to the requirements of 2-4-601 and conduct the hearing under the Montana Administrative Procedure Act. The final decision of the commission in any matter decided after a hearing conducted pursuant to this section must conform to the requirements of a decision in a contested case under the Montana Administrative Procedure Act.

(3) The consumer counsel may petition to become a party to the hearing."

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