

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 69-3-304, 69-3-308 ~~and, OR 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~~ A utility requesting a change to GENERAL increase a rate or IN rates for service sends written notice OF THE PROPOSED CHANGE directly to each THE affected customer CUSTOMERS, publication in one or more newspapers within the area affected by the proposed change is not required.

(2) ~~The~~ 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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