MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. KEN TOOLE (D), CHAIRMAN	✓		
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN	✓		
SEN. BRENT CROMLEY (D)	✓		
SEN. AUBYN CURTISS (R)	✓		
SEN. JEFF ESSMANN (R)	✓		
SEN. DAN HARRINGTON (D)	✓		
SEN. DAVE LEWIS (R)	✓		
SEN. GREG LIND (D)	✓		
SEN. DAN McGEE (R)	✓		
SEN. GARY PERRY (R)	✓		
SEN. GLENN ROUSH (D)	✓		
CASEY BARRS, LSD	✓		
C. J. JOHNSON, COMMITTEE SECRETARY	✓		

SENATE STANDING COMMITTEE REPORT

February 18, 2005

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 428** (first reading copy -- white) **do pass**.

Signed: _____
Senator Ken Toole, Chair

- END -

Committee Vote:
Yes 9, No 2.

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SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 415** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator Ken Toole, Chair

And, that such amendments read:

1. Title, page 1, line 16.
Following: "DATE;"
Insert: "AND A CONTINGENT VOIDNESS PROVISION"

2. Page 2.
Following: line 4
Insert: "(1) "Ancillary services" means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include:
(a) energy losses;
(b) energy imbalances;
(c) scheduling and dispatching;
(d) load following;
(e) system protection; and
(f) reactive power."
Renumber: subsequent subsections

3. Page 3, line 4.
Strike: "(6)"
Insert: "(7)"

4. Page 3, line 5.
Strike: "(6)(a) through (6)(h)"

Committee Vote:
Yes 9, No 2.

Insert: "(7)(a) through (7)(h)"

5. Page 3, line 16.
Strike: "(7)(a) through (7)(f)"
Insert: "(8)(a) through (8)(f)"

6. Page 3, line 18.
Strike: "May 2, 1997"
Insert: "January 1, 2005"

7. Page 3, line 29.
Strike: "(11)"
Insert: "(12)"

8. Page 4.
Following: line 21
Insert: "(5)(a) Except as provided in subsections (5)(b) and (5)(c), the cost of electricity procured from eligible renewable resources, including the associated cost of ancillary services necessary to manage the transmission grid and to firm the resource, may not exceed the total electricity supply cost, adjusted for line losses, incurred by the utility, competitive electricity supplier, or cooperative in the calendar year immediately preceding the acquisition of electricity from an eligible renewable resource.

(b) A utility or competitive electricity supplier regulated by the commission may acquire electricity produced from an eligible renewable resource that has a cost that exceeds the utility's or the competitive electricity supplier's electric supply price upon a finding by the commission that the price increase to the consumers is in the public interest.

(c) The governing board of an electric cooperative may acquire electricity produced from an eligible renewable resource that has a cost that exceeds the electric cooperative's electric supply price upon a finding by the governing board that the price increase to the consumers is in the public interest."
Renumber: subsequent subsections

9. Page 5, line 6.
Strike: "(7)(a)(i) through (7)(a)(ii)"
Insert: "(8)(a)(i) through (8)(a)(ii)"

10. Page 5, line 10.
Strike: "option"

Insert: "such as the one"

11. Page 5, line 19.
Strike: "(11)"
Insert: "(12)"

12. Page 5, line 27.
Strike: "(10)"
Insert: "(11)"

13. Page 5, line 30.
Following: "achieved"
Insert: "at a cost less than the applicable cost caps developed by the commission pursuant to [section 6(2)]"

14. Page 6.
Following: line 14
Insert: "(3) Contracts signed for projects located in Montana must require all contractors to give preference to the employment of bona fide Montana residents, as defined in 18-2-401, in the performance of the work on the projects if the Montana residents have substantially equal qualifications to those of nonresidents."
Renumber: subsequent subsections

15. Page 6, line 24.
Strike: "June 1, 2006"
Insert: "January 1, 2007"

16. Page 7, line 4.
Strike: "January"
Insert: "June"

17. Page 7.
Following: line 7
Insert: "(d) establish cost caps for purchases under [section 4(2), (3)(a), (3)(b), (4)(a), and (4)(b)];"
Renumber: subsequent subsections

18. Page 7.
Following: line 28
Insert: "NEW SECTION. **Section 11. Contingent voidness.** If the federal energy production tax credit enacted in Public Law 102-486 expires, then [this act] is void. The department of revenue shall certify to the code commissioner the date on which the federal wind energy credit has lapsed."
Renumber: subsequent section

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 34** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Ken Toole, Chair

And, that such amendments read:

1. Page 2, line 15.
Strike: "40%"
Insert: "25%"

- END -

Committee Vote:
Yes 7, No 4.

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SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Energy and Telecommunications** recommend that **Senate Bill 371** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Ken Toole, Chair

And, that such amendments read:

1. Title, page 1, line 6.
Following: "DATE;"
Insert: "DEFINING THE TERM "RENEWABLE RESOURCE";"

2. Title, page 1, line 6.
Following: "UTILITY'S"
Strike: "MINIMUM"
Following: "REQUIREMENT"
Insert: "FOR LOW-INCOME ENERGY ASSISTANCE; INCREASING A LARGE CUSTOMER'S ANNUAL FUNDING REQUIREMENT FOR LOW-INCOME ENERGY ASSISTANCE"

3. Title, page 1, line 7 through line 9.
Strike: "IMPROVING" on line 7 through "CREDITS;" on line 9
Insert: "REQUIRING UTILITIES TO PUBLISH A PLAN THAT DESCRIBES UNIVERSAL SYSTEM BENEFITS PROGRAMS; REVISING THE UNIVERSAL SYSTEM BENEFITS PROGRAM CREDIT REVIEW PROCESS"

4. Title, page 1, line 10.
Following: "RULES"
Insert: "FOR ELECTRIC UNIVERSAL BENEFITS PROGRAMS; PROVIDING THE PUBLIC SERVICE COMMISSION WITH RULEMAKING AUTHORITY OVER NATURAL GAS UNIVERSAL SYSTEM BENEFITS PROGRAM REPORTING REQUIREMENTS; REQUIRING THE PUBLIC SERVICE COMMISSION TO

Committee Vote:
Yes 6, No 5.

ADOPT A RATE FOR NATURAL GAS UNIVERSAL SYSTEM BENEFITS PROGRAMS"

5. Title, page 1, line 12 through line 13.
Strike: "TO" on line 12 through "CUSTOMERS" on line 13
Insert: "SUBMIT AN ANALYSIS OF LOW-INCOME ENERGY ASSISTANCE PROGRAMS AND CUSTOMER NEEDS TO THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE; EXPANDING THE ALLOWABLE UNIVERSAL SYSTEM BENEFITS PROGRAM CREDITS FOR LARGE CUSTOMERS; ESTABLISHING A SUNSET FOR MARKET TRANSFORMATION; CHANGING THE BASE YEAR FOR UNIVERSAL SYSTEM BENEFITS PROGRAM CHARGE RATES; PROVIDING THAT IF A UTILITY'S INTERNAL PROGRAMS DO NOT SATISFY ANNUAL FUNDING PROVISIONS, THEN THE UTILITY SHALL MAKE A PAYMENT INTO A STATE SPECIAL REVENUE ACCOUNT FOR THE DIFFERENCE; REVISING UTILITY AND LARGE CUSTOMER UNIVERSAL SYSTEM BENEFITS PROGRAM REPORTING REQUIREMENTS"

6. Title, page 1, line 14.
Following: "69-8-403,"
Insert: "69-8-412,"

7. Page 1, line 18 through page 19, line 11.
Strike: everything after the enacting clause
Insert: **"Section 1.** Section 69-3-1402, MCA, is amended to read:

"69-3-1402. Definitions. As used in this part, the following definitions apply:

(1) "Customer" means a natural gas customer or consumer of natural gas supply or natural gas transmission facilities, storage facilities, or distribution facilities.

(2) "Distribution facilities" means those facilities that are not transmission facilities:

(a) by and through which natural gas is received from a transmission services provider and transmitted to the customer; and

(b) operated by a distribution services provider.

(3) "Distribution services provider" means a person controlling or operating distribution facilities for distribution of natural gas to the public.

(4) "Natural gas supplier" means a person, including aggregators, market aggregators, brokers, and marketers, licensed by the commission that is offering to sell natural gas to retail customers in the state of Montana.

(5) "Natural gas utility" means a utility regulated by the commission on May 2, 1997, that provides natural gas services to the public.

(6) "Open access" means that a natural gas utility has made

its transmission facilities, storage facilities, or distribution facilities available to all natural gas suppliers, transmission services providers, distribution services providers, and customers on a nondiscriminatory and comparable basis.

(7) "Performance-based ratemaking" means those forms of regulation that include but are not limited to the use of revenue indexing, price indexing, ranges of authorized return, gas cost indexing, and innovative use of utility-related assets and activities, such as system sales of excess natural gas supplies, release of upstream pipeline capacity, and performance of billing services for other natural gas suppliers. A performance-based regulation may also include a mechanism for automatic annual adjustments of revenue to prices to reflect changes in any index adopted for the implementation of the performance-based form of regulation.

(8) "Storage facilities" means those facilities that are owned, controlled, or operated by a person offering storage service for natural gas and generally means any underground reservoir suitable for the storage of natural gas and the facilities used to inject and withdraw natural gas into and out of that underground reservoir.

(9) "Transition costs" means:

(a) a natural gas utility's net, verifiable production- and gathering-related costs, including costs of capital, that become unrecoverable as a result of customer choice and open access. These costs include but are not limited to:

(i) regulatory assets and deferred charges that exist as a result of current regulatory practices and that may be accounted for up to the point in time that the commission issues a final order in a docket addressing transition costs, including all costs, expenses, and fees related to the issuance of transition bonds;

(ii) the above-market costs associated with existing gas supply commitments;

(iii) other natural gas utility investments rendered uneconomic as a result of implementation of customer choice and open access;

(iv) the costs associated with renegotiation or buyout of existing natural gas purchase contracts; and

(v) the costs associated with the issuance of any related transition bonds authorized by the commission pursuant to 69-3-1403.

(b) the costs of refinancing or retiring debt or equity capital of the natural gas utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.

(10) "Transmission facilities" means those facilities owned, controlled, and operated by a transmission services provider that are used to transport natural gas from a gathering line or storage facility to a distribution facility, storage facility, or end-use customer.

(11) "Transmission services provider" means a person controlling or operating transmission facilities.

(12) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits program costs.

(13) "Universal system benefits programs" means public purpose programs for cost-effective local energy conservation~~, low-income weatherization, and low-income energy bill assistance~~ and for the purposes provided in the Montana energy assistance program, as described in [section 9]."""

Insert: "Section 2. Section 69-3-1408, MCA, is amended to read:

"69-3-1408. Universal system benefits programs -- establishing nonbypassable rate. (1) A natural gas utility shall implement, upon commission approval, ~~a~~ universal system benefits ~~program that considers existing universal system benefits programs in the state~~ programs that take into account:

(a) historic levels of funding by the utility for universal system benefits programs;

(b) the needs of the utility's low-income natural gas customers;

(c) the impact of universal system benefits program funding obligations on all customers;

(d) appropriate allocations within and between the authorized universal system benefits programs; and

(e) any other factors the commission considers necessary.

(2) The commission shall establish a universal system benefits charge that either all natural gas transmission services providers or all distribution services providers, or both, in the state of Montana shall charge to all end-use customers, taking into consideration ~~the current level of expenditure by the natural gas utility~~, among other factors, appropriate levels of funding for universal system benefits programs, impacts on ratepayers, existing universal system benefits programs in the state, cost-effectiveness, and similar costs imposed in other states. The method of assessing those rates may not disproportionately burden a large transmission services provider's customers. Within the universal system benefits charge, a natural gas utility's annual funding requirement for ~~low-income weatherization and low-income energy bill assistance~~ the Montana energy assistance program, as provided for in [section 9], is established ~~at 0.42% of a natural gas utility's annual revenue~~ by the commission at a percentage of revenue that reflects:

(a) the historical level of spending for the programs for each natural gas utility; and

(b) the impact of universal system benefits program funding obligation on all customers.

(3) A natural gas utility must receive credit for its internal programs or activities that qualify as universal system benefits programs.

~~(3)~~ (4) ~~On or before July 1, 2002, the commission shall~~

~~conduct a reevaluation of the ongoing need for universal system benefits programs and annual funding requirements and shall make recommendations to the 58th legislature regarding the future need for universal system benefits programs. The determination should focus specifically on the existence of markets to provide for any of the universal system benefits programs or on whether other means for funding those universal system benefits programs have developed. These recommendations may also address how future reevaluations will be provided, if necessary.~~ The commission shall adopt rules establishing requirements for a natural gas utility's reporting of activities and expenditures funded by the natural gas universal system benefits charge for local conservation programs and the Montana energy assistance program.""

Insert: "Section 3. Section 69-8-102, MCA, is amended to read:

"69-8-102. Legislative findings and policy. The legislature finds and declares the following:

(1) The generation and sale of electricity is becoming a competitive industry.

(2) Montana customers should have the freedom to choose their electricity supply and related services in accordance with this chapter. Affording this opportunity serves the public interest.

(3) The interests of small Montana consumers must be protected through the provision of adequate and reliable default supply service at the lowest long-term total cost.

(4) The financial integrity of electrical utilities must be fostered.

(5) The public interest requires the continued protection of consumers through:

(a) licensure of electricity suppliers;

(b) provision of information to consumers regarding electricity supply service;

(c) provision of a process for investigating and resolving complaints;

(d) continued funding for public purpose programs for:

(i) cost-effective local energy conservation;

(ii) low-income customer weatherization;

(iii) renewable resource projects and applications;

(iv) research and development programs related to energy conservation and renewables;

(v) market transformation programs until December 31, 2010; and

(vi) low-income energy assistance;

(e) establishment of a Montana energy assistance program, as described in [section 9];

~~(e)~~ (f) assurance of service reliability and quality; and

~~(f)~~ (g) prevention of anticompetitive and abusive activities.

(6) A utility in the state of Montana may not be advantaged or disadvantaged in the competitive electricity supply market,

including the consideration of the existence of universal system benefits programs and the comparable level of funding for those programs throughout the regions neighboring Montana.""

Insert: "Section 4. Section 69-8-103, MCA, is amended to read:

"69-8-103. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Aggregator" or "market aggregator" means an entity, licensed by the commission, that aggregates retail customers, purchases electrical energy, and takes title to electrical energy as an intermediary for sale to retail customers.

(2) "Assignee" means any entity, including a corporation, partnership, board, trust, or financing vehicle, to which a utility assigns, sells, or transfers, other than as security, all or a portion of the utility's interest in or right to transition property. The term also includes an entity, corporation, public authority, partnership, trust, or financing vehicle to which an assignee assigns, sells, or transfers, other than as security, the assignee's interest in or right to transition property.

(3) "Board" means the board of investments created by 2-15-1808.

(4) "Broker" or "marketer" means an entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of electrical energy but that does not take title to electrical energy.

(5) "Cooperative utility" means:

(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

(b) an existing municipal electric utility as of May 2, 1997.

(6) "Customer" or "consumer" means a retail electric customer or consumer. The university of Montana, pursuant to 20-25-201(1), and Montana state university, pursuant to 20-25-201(2), are each considered a single retail electric customer or consumer with a single individual load.

(7) "Customer-generator" means a user of a net metering system.

(8) "Default supplier" means a distribution services provider of a utility that has restructured in accordance with this chapter.

(9) "Default supply service" means the provision of electricity supply by a default supplier.

(10) "Distribution facilities" means those facilities by and through which electricity is received from a transmission services provider and distributed to the customer and that are controlled or operated by a distribution services provider.

(11) "Distribution services provider" means a utility owning distribution facilities for distribution of electricity to the public.

(12) "Electricity supplier" means any person, including aggregators, market aggregators, brokers, and marketers, offering to sell electricity to retail customers in the state of Montana.

(13) "Electricity supply costs" means the actual costs of providing default supply service, including but not limited to:

(a) capacity costs;

(b) energy costs;

(c) fuel costs;

(d) ancillary service costs;

(e) demand-side management and energy efficiency costs;

(f) transmission costs, including congestion and losses;

(g) billing costs;

(h) planning and administrative costs; and

(i) any other costs directly related to the purchase of electricity, management of default electricity supply costs, and provision of default supply and related services.

(14) "Financing order" means an order of the commission adopted in accordance with 69-8-503 that authorizes the imposition and collection of fixed transition amounts and the issuance of transition bonds.

(15) (a) "Fixed transition amounts" means those nonbypassable rates or charges, including but not limited to:

(i) distribution;

(ii) connection;

(iii) disconnection; and

(iv) termination rates and charges that are authorized by the commission in a financing order to permit recovery of transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and of acquiring transition property through a plan approved by the commission in the financing order, including the costs of issuing, servicing, and retiring transition bonds.

(b) If requested by the utility in the utility's application for a financing order, fixed transition amounts must include nonbypassable rates or charges to recover federal and state taxes in which the transition cost recovery period is modified by the transactions approved in the financing order.

(16) "Functionally separate" means a utility's separation of the utility's electricity supply, transmission, distribution, and unregulated retail energy services assets and operations.

(17) "Interested person" means a retail electricity customer, the consumer counsel established in 5-15-201, the commission, or a utility.

(18) "Large customer" means, for universal system benefits programs purposes, a customer with an individual load greater than a monthly average of 1,000 kilowatt demand in the previous calendar year for that individual load.

(19) "Local governing body" means a local board of trustees of a rural electric cooperative.

(20) "Low-income customer" means those energy consumer households and families with incomes at or below industry-recognized levels that qualify those consumers for low-income energy-related assistance.

(21) "Net metering" means measuring the difference between

the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period.

(22) "Net metering system" means a facility for the production of electrical energy that:

(a) uses as its fuel solar, wind, or hydropower;

(b) has a generating capacity of not more than 50 kilowatts;

(c) is located on the customer-generator's premises;

(d) operates in parallel with the distribution services provider's distribution facilities; and

(e) is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(23) "Nonbypassable rates or charges" means rates or charges that are approved by the commission and imposed on a customer to pay the customer's share of transition costs or universal system benefits programs costs even if the customer has physically bypassed either the utility's transmission or distribution facilities.

(24) "Pilot program" means an experimental program using a select set of small customers to assess the potential for developing and offering customer choice of electricity supply to small customers in the future.

(25) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on May 2, 1997, including the public utility's successors or assignees.

(26) "Qualifying load" means, for payments and credits associated with universal system benefits programs, all nonresidential demand-metered accounts of a large customer within the utility's service territory in which the customer qualifies as a large customer.

(27) "Renewable resource" means the production of electricity from any of the following sources:

(a) wind;

(b) solar;

(c) geothermal;

(d) water power derived from a hydroelectric project with a nameplate rating of 1 megawatt or less or a hydroelectric project that does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less;

(e) landfill gas;

(f) gas produced during the treatment of wastewater;

(g) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that low-emission, nontoxic biomass does not include wood pieces that have been treated with chemical preservatives, such as creosote, pentachlorophenol, or copper-chroma-arsenic; or

(h) hydrogen derived from any of the sources described in subsections (27)(a) through (27)(g) for use in fuel cells.

~~(27)~~ (28) "Small customer" means a residential customer or a commercial customer who has an individual account with an average monthly demand in the previous calendar year of less than 50 kilowatts or a new residential or commercial customer with an estimated average monthly demand of less than 50 kilowatts of a public utility that has restructured pursuant to Title 35, chapter 19, or this chapter.

~~(28)~~ (29) "Transition bondholder" means a holder of transition bonds, including trustees, collateral agents, and other entities acting for the benefit of that bondholder.

~~(29)~~ (30) "Transition bonds" means any bond, debenture, note, interim certificate, collateral, trust certificate, or other evidence of indebtedness or ownership issued by the board or other transition bonds issuer that is secured by or payable from fixed transition amounts or transition property. Proceeds from transition bonds must be used to recover, reimburse, finance, or refinance transition costs and to acquire transition property.

~~(30)~~ (31) "Transition charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of transition costs.

~~(31)~~ (32) "Transition cost recovery period" means the period beginning on July 1, 1998, and ending when a utility customer does not have any liability for payment of transition costs.

~~(32)~~ (33) "Transition costs" means:

(a) a public utility's net verifiable generation-related and electricity supply costs, including costs of capital, that become unrecoverable as a result of the implementation of this chapter or of federal law requiring retail open access or customer choice;

(b) those costs that include but are not limited to:

(i) regulatory assets and deferred charges that exist because of current regulatory practices and can be accounted for up to the effective date of the commission's final order regarding a public utility's transition plan and conservation investments made prior to universal system benefits charge implementation;

(ii) nonutility and utility power purchase contracts executed before May 2, 1997, including qualifying facility contracts;

(iii) existing generation investments and supply commitments or other obligations incurred before May 2, 1997, and costs arising from these investments and commitments;

(iv) the costs associated with renegotiation or buyout of the existing nonutility and utility power purchase contracts, including qualifying facilities and all costs, expenses, and reasonable fees related to issuing transition bonds; and

(v) the costs of refinancing and retiring of debt or equity capital of the public utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.

~~(33)~~ (34) "Transition period" means the period ending July 1,

2027.

~~(34)~~ (35) "Transition property" means the property right created by a financing order, including without limitation the right, title, and interest of a utility, assignee, or other issuer of transition bonds to all revenue, collections, claims, payments, money, or proceeds of or arising from or constituting fixed transition amounts that are the subject of a financing order, including those nonbypassable rates and other charges and fixed transition amounts that are authorized by the commission in the financing order to recover transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and acquiring transition property, including the costs of issuing, servicing, and retiring transition bonds. Any right that a utility has in the transition property before the utility's sale or transfer or any other right created under this section or created in the financing order and assignable under this chapter or assignable pursuant to a financing order is only a contract right.

~~(35)~~ (36) "Transmission facilities" means those facilities that are used to provide transmission services as determined by the federal energy regulatory commission and the commission.

~~(36)~~ (37) "Transmission services provider" means an entity controlling or operating transmission facilities.

~~(37)~~ (38) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits programs costs.

~~(38)~~ (39) "Universal system benefits programs" means public purpose programs for:

(a) cost-effective local energy conservation;

(b) the Montana energy assistance program, as established in [section 9], composed of low-income customer ~~weatherization~~ energy and weatherization assistance;

(c) renewable resource projects and applications, including those that capture unique social and energy system benefits or that provide transmission and distribution system benefits;

(d) research and development programs related to energy conservation and renewables; and

(e) market transformation designed to encourage competitive markets for ~~public purpose~~ universal system benefits programs~~; and~~

~~(f) low-income energy assistance~~.

~~(39)~~ (40) "Utility" means any public utility or cooperative utility.""

Insert: "Section 5. Section 69-8-402, MCA, is amended to read:

"69-8-402. Universal system benefits programs. (1) Universal system benefits programs are established for the state of Montana to ensure continued funding of and new expenditures for energy conservation, renewable resource projects and applications, and ~~low-income energy assistance~~ the Montana energy assistance program.

(2) (a) Beginning January 1, 1999, through December 31,

2005, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the initial funding level for universal system benefits programs. To collect this amount of funds on an annualized basis ~~in 1999~~, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives. ~~These universal system benefits charge rates must remain in effect through December 31, 2005.~~

(b) (i) Subject to the recalculation in subsection (2)(b)(ii), beginning January 1, 2006, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 2004, is established as the funding level for universal system benefits programs. To collect this amount of funds on an annualized basis in 2006, the commission shall establish rates for utilities subject to its jurisdiction and the local governing board of cooperatives shall establish rates for cooperatives.

(ii) Beginning with the 4-year period that begins January 1, 2006, the funding level must be recalculated once every 4 calendar years. For the initial 4-year period, the funding level must be recalculated based on 2.4% of each utility's annual retail sales revenue in Montana for the calendar year concluding on December 31, 2008. The funding level must be recalculated on December 31 of the second year of each succeeding 4-year period based on 2.4% of each utility's annual retail sales revenue in Montana for that calendar year. The commission and the local governing body of cooperatives shall reestablish rates to go into effect on January 1, 2010, and on January 1 of each succeeding fourth calendar year in order to collect the adjusted funding level.

~~(a)~~(c) The recovery of all universal system benefits programs costs imposed pursuant to this section is authorized through the imposition of a universal system benefits charge assessed at the meter for each local utility system customer as provided in this section.

~~(b)~~(d) Except as provided in subsections (5)(c) and (6)(c), but subject to subsection (2)(g), a ~~A~~ utility must receive credit toward annual funding requirements for the utility's internal programs or activities that qualify as universal system benefits programs, including those amortized or nonamortized portions of expenditures for the purchase of power that are for the acquisition or support of renewable energy, conservation-related activities, or low-income energy assistance~~, and for large customers' programs or activities as provided in subsection (7)~~. The department of revenue shall review claimed credits or activities of the utilities and large ~~customers~~ customers' expenditures and activities pursuant to 69-8-414.

~~(c)~~(e) A utility's distribution services provider at which the sale of power for final end use occurs is the utility that receives credit for the universal system benefits programs

expenditure.

~~(d)~~ (f) A customer's distribution services provider shall collect universal system benefits funds ~~less any allowable credits~~.

~~(e)~~ (g) For a utility to receive credit for ~~low-income-related~~ universal system benefits programs expenditures, the activity must have taken place in Montana.

~~(f) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding provisions of subsection (2), then the utility shall make a payment to the universal system benefits fund established in 69-8-412 for any difference.~~

(3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding requirements for universal system benefits programs provided that the required allocation funding for the Montana energy assistance program pursuant to subsection (6)(a) is met on an annual basis ~~and low-income energy assistance~~.

(4) A utility's transition plan must describe how the utility proposes to provide for universal system benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to measure the utility's level of contribution to each program.

(5) (a) ~~A~~ Except as provided in 69-8-403(8)(c), a public utility's ~~minimum~~ annual funding requirement for ~~low-income energy and weatherization assistance~~ the Montana energy assistance program is established at ~~17%~~ 40% of the public utility's annual universal system benefits funding level ~~and is inclusive within the overall universal system benefits funding level~~.

~~(a)~~ (b) ~~A~~ Except as provided in subsection (5)(c), a public utility must receive credit toward the public utility's ~~low-income energy assistance annual funding requirement for the utility's internal low-income energy assistance programs or activities~~ Montana energy assistance program activities.

(c) A public utility's Montana energy assistance program activities funded by large customers' allocations pursuant to subsection (8)(a) may not be used by the public utility to meet its annual Montana energy assistance program funding requirement pursuant to subsection (5)(a).

~~(b)~~ (d) If a public utility's credit for ~~internal activities~~ Montana energy assistance program activities does not satisfy its annual funding requirement or if the public utility's Montana energy assistance program activities do not fully utilize the large customers' allocations pursuant to subsection (8)(a), ~~then~~ the public utility shall make a payment for any difference to the universal low-income energy assistance fund established in ~~69-8-412~~ 69-8-412(1)(b).

(6) (a) A cooperative utility's annual funding requirement for the Montana energy assistance program is established at a minimum of 30% of the cooperative utility's annual universal

system benefits funding level.

(b) Except as provided in subsection (6)(c), a cooperative utility must receive credit toward the cooperative utility's Montana energy assistance program activities.

(c) A cooperative utility's Montana energy assistance program activities funded by large customers' allocations pursuant to subsection (8)(a) may not be used by the cooperative utility to meet its annual Montana energy assistance program funding requirement pursuant to subsection (6)(a).

(d) If a cooperative utility's credit for Montana energy assistance program activities does not satisfy its annual funding requirement or if the cooperative utility's Montana energy assistance program activities do not fully utilize the large customers' allocations pursuant to subsection (8)(a), the cooperative utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412(1)(b).

(7) Except as provided in subsections (5)(d) and (6)(d), if a utility's credit for internal programs or activities does not satisfy the annual funding provisions of subsection (2), the utility shall make a payment to the universal system benefits fund established in 69-8-412(1)(a) for any difference.

~~(6) An individual customer may not bear a disproportionate share of the local utility's funding requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs.~~

~~(7)~~(8) (a) A large customer shall:

~~(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:~~

~~(A) $500,000, less the large customer credits provided for in this subsection (7); or~~

~~(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection (7);~~

(i) on an annual basis, allocate a minimum of 30% of its total universal system benefits charge for that year for the Montana energy assistance program; and

(ii) inform the large customer's utility, no later than January 15 of the year following the year in which the large customer paid the applicable universal system benefits charge, of the amount of the charge that the large customer decides to allocate for the Montana energy assistance program.

(b) The large customer's utility shall use the large customer's allocation for the utility's Montana energy assistance program activities.

~~(ii)~~(c) ~~must~~ A large customer may receive ~~credit toward that large customer's~~ reimbursement from its utility of a portion of its universal system benefits charge for:

(i) internal expenditures and activities that qualify as ~~a~~

~~universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:~~

~~(A) expenditures~~ conservation measures that result in a reduction in the consumption of electrical energy in the large customer's facility or that result in a more efficient use of electricity at the large customer's facility; and

(ii) internal expenditures and activities that result in the production of electrical energy from renewable resources for use in the large customer's facility.

~~(B) those amortized or nonamortized portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.~~

~~(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a~~

(d) If the amount of the reimbursement in any given calendar year, ~~that exceed~~ when combined with the allocation by the large customer under subsection (8)(a) exceeds that large customer's universal system benefits charge for ~~the~~ that calendar year, the excess constitutes ~~must be used as~~ a credit that may be used against those charges in future years until the total amount of those expenditures has been credited against that large customer's universal system benefits charges.

(e) Subsection (8)(d) does not limit a large customer's obligation to allocate a minimum of 30% of its total universal system benefits charge for that year for the Montana energy assistance program as required by subsection (8)(a).

(9) On or before March 1 of each year, a utility shall publish a plan that describes how the utility intends to implement universal system benefits programs for that year. The plan of a public utility must be submitted to the department of public health and human services, the commission, and the energy and telecommunications interim committee provided for in 5-5-230. The plan of a cooperative utility must be submitted to the department of public health and human services, the energy and telecommunications interim committee, the cooperative utility's respective local governing body, and the statewide cooperative utility office.

~~(8)~~(10) (a) On or before March 1 of each year, ~~A~~ a public utility shall prepare and submit ~~an annual summary~~ a report of the ~~public~~ utility's universal system benefits program activities for the prior calendar year. ~~relating to all universal system benefits programs~~ The report of a public utility must be submitted to the department of public health and human services, ~~to~~ the commission, the department of revenue, and the energy and telecommunications interim committee provided for in 5-5-230.

(b) On or before March 1 of each year, a cooperative utility shall prepare and submit a report of the utility's universal system benefits program activities for the prior calendar year if that cooperative utility implemented universal

system benefits program activities. The report of a cooperative utility must be submitted to the department of public health and human services, the department of revenue, the energy and telecommunications interim committee provided for in 5-5-230, and the cooperative utility's respective local governing body.

(c) On or before March 1 of each year, ~~A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, and the energy and telecommunications interim committee. The~~ the statewide cooperative utility office shall prepare and submit ~~an annual summary~~ a report of ~~the~~ universal system benefits program activities of individual cooperative utilities that use the pooling provisions provided for in subsection (3), including ~~a summary of the pooling of statewide credits, as provided in~~ the calculations necessary to demonstrate compliance with subsection (3), to the department of public health and human services, the department of revenue, and the energy and telecommunications interim committee provided for in 5-5-230.

(d) The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:

~~(a)~~(i) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;

~~(b)~~(ii) the level of funding for those programs relative to the annual funding requirements level prescribed in subsection (2); and

~~(c)~~(iii) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements.

~~(9)~~(11) A utility ~~or large customer~~ filing for a credit shall develop and maintain appropriate documentation to support the utility's ~~or the large customer's~~ claim for the credit. and the documentation must be made available to the public upon request, except to the extent that confidential information would be disclosed.

~~(10)~~(12) (a) A large customer ~~claiming credits for a calendar year~~ shall submit an annual ~~summary~~ report of its universal system benefits programs activities and expenditures and the allocation required by subsection (8)(a) to the department of revenue by March 1 of each year and to the large customer's utility. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount of the credit. Prior approval by the department of revenue or the utility is not required, except as provided in subsection ~~(10)(b)~~ (12)(b).

(b) If a large customer ~~claims a credit~~ receives a reimbursement for an expenditure or activity that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that ~~credits~~

~~claimed by the large customer be first approved~~ the large customer's expenditures and activities first be approved as qualifying by the utility. If the utility approves the large ~~customer credit~~ customer's reimbursement, the utility may be financially responsible for any subsequent disallowance.

(c) A large customer seeking or having received a reimbursement shall develop and maintain appropriate documentation to support the large customer's claim. This documentation constitutes a public record to the extent that the documentation does not contain a trade secret as defined in 30-14-402 or is otherwise confidential.""

Insert: "Section 6. Section 69-8-403, MCA, is amended to read:

"69-8-403. Commission authority -- rulemaking authority. (1) Beginning on the effective date of a commission order regarding a public utility's transition plan, the commission shall regulate the public utility's retail transmission, distribution, and default supply services within the state of Montana, as provided in this chapter.

(2) The commission shall license electricity suppliers and enforce licensing provisions pursuant to 69-8-404.

(3) The commission shall promulgate rules that identify the licensees and ensure that the offered electricity supply is provided as offered and is adequate in terms of quality, safety, and reliability.

(4) The commission shall establish just and reasonable rates through established ratemaking principles for public utility default supply, distribution, and transmission services, including rates for service classes to ensure the collection of 2.4% of each public utility's 2004 annual retail sales revenue in Montana and then, in subsequent years, as directed under 69-8-402, to fund universal system benefits programs, and shall regulate these services. The commission may approve rates and charges for those services based on alternative forms of ratemaking, such as performance-based ratemaking, on a demonstration by the public utility that the alternative method complies with this chapter, and on the public utility's transition plan.

(5) The commission shall certify that a cooperative utility has adopted a transition plan that complies with this chapter. A cooperative utility's transition plan is considered certified 60 days after the cooperative utility files for certification.

(6) The commission shall promulgate rules that protect consumers, distribution services providers, and electricity suppliers from anticompetitive and abusive practices.

(7) (a) After July 1, 2010, the commission shall continuously monitor whether or not workable competition has developed for small customers.

(b) If the commission determines that workable competition has developed for small customers after July 1, 2010, the commission shall provide a report to the legislature that includes recommendations for legislative implementation of

customer choice for small customers.

(8) The commission shall adopt rules implementing 69-8-402, applying the provisions of [section 9], that establish:

(a) allocations between universal system benefits programs;

(b) allocations within universal system benefits programs; and

(c) procedures and guidelines for public utility low-income energy and conservation assistance expenditures to exceed the funding level established in 69-8-402(5) in necessary and appropriate circumstances.

~~(8)~~ (9) In addition to promulgating rules expressly provided for in this chapter, the commission may promulgate any other rules necessary to carry out the provision of this chapter.

~~(9)~~ (10) This chapter does not give the commission the authority to:

(a) regulate cooperative utilities in any manner other than reviewing certification filings for compliance with this chapter; or

(b) compel any change to a cooperative utility's certification filing made pursuant to this chapter.""

Insert: "Section 7. Section 69-8-412, MCA, is amended to read:

"69-8-412. Funds established -- fund administrators designated -- purpose of funds -- department rulemaking authority to administer funds. (1) If, pursuant to ~~69-8-402(2)(f) or (5)(b),~~ 69-8-402(5)(d), (6)(d), and (7), there is any positive difference between credits and expenditures and the annual funding ~~requirement~~ requirements, the department of revenue shall establish one or both of the following funds:

(a) a fund to provide for universal system benefits programs other than low-income energy assistance. The department of environmental quality shall administer this fund.

(b) a fund to provide universal low-income energy assistance. The department of public health and human services shall administer this fund.

(2) The purpose of these funds is to fund universal system benefits programs.

(3) The department of environmental quality and the department of public health and human services shall expend the money in each representative fund on universal system benefits programs in the utility service territory from which the money was received.

(4) The department of environmental quality and the department of public health and human services may adopt rules that administer and expend the money in each respective fund based on an annual assessment of identified funding needs in the utility service territory from which the money was received. In assessing the funding needs, the departments shall solicit utility and public comment from the utility service territory from which the money was received. The annual assessment must also take into account existing utility and large customer universal system benefits programs expenditures.""

Insert: "Section 8. Section 69-8-413, MCA, is amended to read:

"69-8-413. Department rulemaking authority. (1) The department of revenue shall adopt rules on or before ~~September 1, 1999~~ December 1, 2005, specifying acceptable universal system benefits programs credits and expenditures and adopting procedures for ~~challenged~~ the review of credits. The department is required to prepare uniform reporting requirements that will ensure that utilities and large customers provide enough information for the general public to understand and evaluate universal system benefits programs, expenditures, and activities.

(2) In developing rules under this section, the department of revenue shall consult with the public service commission.

~~(2) Rules adopted pursuant to this part must be adopted in accordance with the Montana Negotiated Rulemaking Act, Title 2, chapter 5, part 1.~~

~~(3) Universal system benefits programs credits claimed or expenditures made prior to the adoption of the rules under subsection (1) must be allowed and are not subject to the requirements of 69-8-414.~~""

Insert: "NEW SECTION. **Section 9. Montana energy assistance program.** (1) There is a Montana energy assistance program.

(2) The Montana energy assistance program consists of:

(a) a monthly energy bill payment assistance program in the form of a rate discount, fixed credit, or both;

(b) energy assistance and weatherization assistance delivered to low-income customers in coordination with the federal department of energy's weatherization assistance program;

(c) an emergency or crisis assistance program; and

(d) other programs that seek to reduce barriers to affordability, such as arrears forgiveness, waivers for security deposits, and other comparable programs.

(3) In designing and implementing the Montana energy assistance program, utilities shall endeavor to:

(a) bring participants' bills into the range of affordability;

(b) provide incentives for participants to make timely payments; and

(c) encourage participants to reduce usage and participate in available conservation and energy efficiency measures that reduce the customer's bill and payment requirements.

(4) Priority must be given to a monthly energy bill payment assistance program."

Insert: "NEW SECTION. **Section 10. Department of public health and human services analysis and report.** The department of public health and human services shall provide to the energy and telecommunications interim committee, at a time to be determined by the committee, an analysis of the gap between energy bills, taking into account any bill payment assistance programs, and the ability of low-income households to pay for and retain monthly electric and natural gas service at various levels of household

income, family size, and energy usage patterns, along with recommendations for closing this gap."

Insert: "Section 11. Section 69-8-414, MCA, is amended to read:

"69-8-414. Universal system benefits programs credit review process. (1) All annual reports required pursuant to 69-8-402~~(8) and~~ (10) and (12) must be filed with the department of revenue on March 1 of each year.

(2) ~~Except as provided in 69-8-413, upon~~ Upon a challenge by an interested person, the department of revenue shall ensure that the credit claimed is consistent with this chapter. An interested person may file comments challenging the claim, including supporting documentation, with the department of revenue. A challenge of any claimed credit must be filed within 60 days of the department of revenue's receipt of the credit claimant's annual reports required pursuant to 69-8-402~~(8) and~~ (10) and (12).

(3) Claimed credits are presumed to be correct unless challenged by an interested person. If a challenge is filed by an interested person, the department of revenue shall conduct an initial review of a challenged credit and shall ~~make a determination as to~~ determine the likelihood that the challenged credit qualifies for universal system benefits programs or determine that there is insufficient information provided in the report to make a determination that the challenged credit qualifies for universal system benefits programs. If the department of revenue finds that the challenged credit is not likely to qualify for universal system benefits programs~~,~~ or that there is insufficient information in the report to make a determination, the department of revenue shall formally review the challenge~~,~~. ~~otherwise~~ Otherwise, the department of revenue shall dismiss the challenge and provide a statement of the reasons supporting dismissal of the challenge. The burden of proof as to the qualification of the challenged expenditure rests with the entity that has claimed the credits, and the department of revenue may compel the entity to produce documents and other evidence as part of its review. ~~The department of revenue may request additional information from the credit claimant or interested person.~~ The department of revenue shall complete the initial review within 30 days of the challenge.

(4) If the department of revenue determines that a formal review of a challenged credit is necessary, the department of revenue shall provide public notice of the opportunity to comment to the credit claimant and interested persons. The department of revenue may also schedule an oral hearing. If a hearing is scheduled, the department of revenue shall provide public notice of the hearing to the credit claimant and interested persons.

(5) For a formal credit review challenge, the following procedures apply:

(a) The credit claimant shall provide documentation supporting the credit claimed to the department of revenue and to all interested persons, subject to department of revenue

protective orders for confidential or sensitive materials, upon a showing of a privacy interest by the credit claimant.

(b) The department of revenue shall make all materials related to the claim, the challenge, and the submitted comments available to the credit claimant and for public inspection and photocopying, subject to any department of revenue protective orders.

(c) The credit claimant may respond in writing to any comments and other documents filed by an interested person.

(d) The department of revenue may ask for additional detailed information to implement this section.

(6) Upon completing a formal review of a challenged credit, the department of revenue shall make a decision to certify or to deny the credit claimed, providing a statement of the reasons supporting the department of revenue's decision. The formal review of a challenged credit, including the department of revenue's final decision, must be completed within 60 days of the department of revenue's public notice of the opportunity to comment on the challenged credit.""

Insert: "NEW SECTION. **Section 12. Codification instruction.** [Sections 9 and 10] are intended to be codified as an integral part of Title 69, chapter 8, part 4, and the provisions of Title 69, chapter 8, part 4, apply to [sections 9 and 10]."

- END -

COMMITTEE FILE COPY

TABLED BILL

The **SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE** TABLED **SB 307, SB 364, SB 372**, by motion, on **Thursday, February 17, 2005**.

(For the Committee)

(Secretary of Senate)

8:00 / 2-18
(Time) (Date)

February 18, 2005 Cj Johnson, Secretary Phone: 444-4759

PROXY VOTE

I, the undersigned, hereby authorize Senator LIND to vote my proxy on any issue before the Senate Energy & Telecom Committee held on 2/17, 2005.

SB 372 - No

Reconsider SB 371 - Yes

Do Pass SB 371 - Yes

SENATOR
STATE OF MONTANA

NO- SB 371

PROXY VOTE

I, the undersigned, hereby authorize Senator Lewis to vote my proxy on any issue before the Senate Energy Committee held on 2/17/05, 2005.

SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator LEWIS to vote my proxy on any issue before the Senate ENERGY Committee held on 2/17, 2005.

SB 34 = ~~No~~ Yes SB 371 = No
SB 307 = ~~No~~ for 2b/c SB 455 = No
SB 372 = ~~No~~ for 2b/c
~~SB 193 = Yes~~
~~SB 256 = No~~

Dan McGee
SENATOR
STATE OF MONTANA

with Lewis on any amendments

PROXY VOTE

I, the undersigned, hereby authorize Senator Essman to vote my proxy on any issue before the Senate Energy - Tele Committee held on Feb 17, 2005.

SB 372 NO
SB 428 NO
SB 34 yes if no amendment
SB 307 NO
SB 371 NO

SB 193 NO
SB 256 NO
SB 455 NO

Evelyn Curtis
SENATOR
STATE OF MONTANA

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB415 **NUMBER** 5-6

MOTION Sen Lewis Moved Amendment SB041504.acb DP

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)		✓

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB 415 **NUMBER** 5-6

MOTION Sen Lewis Moved Amendment SB041505.acb DP

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)		✓

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB415 **NUMBER** 6-5

MOTION Sen Lewis Move Amendment SB041507.acb DP

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)	✓	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB415 **NUMBER** 9-2

MOTION Sen Cromley Moved DPAA

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN	✓	
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN	✓	
SEN. BRENT CROMLEY (D)	✓	
SEN. AUBYN CURTISS (R)		✓
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)	✓	
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)	✓	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 BILL NO. SB415 NUMBER 5-6

MOTION Sen Essmann Moved Amendment SB041502.acb DP

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)		✓

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB 415 **NUMBER** 5-6

MOTION Sen Lewis Moved Amendment SB041502.ate DP

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)		✓

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB415 **NUMBER** 5-6

MOTION Sen McGee Moved to TABle

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)		✓

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB 34 **NUMBER** 7-4

MOTION Sen Roush moved DPAA

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN	✓	
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)	✓	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB 34 **NUMBER** 6-5

MOTION Sen Roush Moved Conceptual Amendment Change 40% to 25%

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)	✓	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB 364 **NUMBER** 6-5

MOTION Sen Lind moved Amendment SB036401.acb DP

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN	✓	
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN	✓	
SEN. BRENT CROMLEY (D)	✓	
SEN. AUBYN CURTISS (R)		✓
SEN. JEFF ESSMANN (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. DAVE LEWIS (R)		✓
SEN. GREG LIND (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. GARY PERRY (R)		✓
SEN. GLENN ROUSH (D)	✓	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS 6-5 TABLE

DATE 2.17.05 **BILL NO.** SB 364 **NUMBER** 5-6 DPAA

MOTION Sen Lind Moved DPAA Sen Roush Moved to table & Reverse the Vote

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN	✓	
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN	✓	
SEN. BRENT CROMLEY (D)	✓	
SEN. AUBYN CURTISS (R)		✓
SEN. JEFF ESSMANN (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. DAVE LEWIS (R)		✓
SEN. GREG LIND (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. GARY PERRY (R)		✓
SEN. GLENN ROUSH (D)		✓

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB371 **NUMBER** 6-5

MOTION Chair Toole Moved to take Bill off the TABLE

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN	✓	
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN	✓	
SEN. BRENT CROMLEY (D)	✓	
SEN. AUBYN CURTISS (R)		✓
SEN. JEFF ESSMANN (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. DAVE LEWIS (R)		✓
SEN. GREG LIND (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. GARY PERRY (R)		✓
SEN. GLENN ROUSH (D)	✓	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB371 **NUMBER** 6-5

MOTION Chair Toole Moved DPAA

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN	✓	
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN	✓	
SEN. BRENT CROMLEY (D)	✓	
SEN. AUBYN CURTISS (R)		✓
SEN. JEFF ESSMANN (R)		✓
SEN. DAN HARRINGTON (D)	✓	
SEN. DAVE LEWIS (R)		✓
SEN. GREG LIND (D)	✓	
SEN. DAN McGEE (R)		✓
SEN. GARY PERRY (R)		✓
SEN. GLENN ROUSH (D)	✓	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB 415 **NUMBER** 6-5

MOTION Sen Essmann Moved Amendment SB041503.Ate Dp

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)	✓	

MONTANA STATE SENATE
2005 LEGISLATURE

ROLL CALL VOTE

ENERGY AND TELECOMMUNICATIONS

DATE 2.17.05 **BILL NO.** SB415 **NUMBER** 5-6

MOTION Sen Perry Moved Amendment SB041503.acb DP

NAME	AYE	NO
SEN. KEN TOOLE (D), CHAIRMAN		✓
SEN. CAROL WILLIAMS (D), VICE CHAIRWOMAN		✓
SEN. BRENT CROMLEY (D)		✓
SEN. AUBYN CURTISS (R)	✓	
SEN. JEFF ESSMANN (R)	✓	
SEN. DAN HARRINGTON (D)		✓
SEN. DAVE LEWIS (R)	✓	
SEN. GREG LIND (D)		✓
SEN. DAN McGEE (R)	✓	
SEN. GARY PERRY (R)	✓	
SEN. GLENN ROUSH (D)		✓

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

DATE 2.17.05

SENATE COMMITTEE ON ENERGY & TELE

BILLS BEING HEARD TODAY SB 372

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Mack Cole	345-5[illegible]		372		✓
Robert Goffena	323-1495	Musselshell CO.	372		✓
Connie Eisenzimmer	485-2274	McCone Co.	372		✓
Daniel Watson	346-2251	Rosebud County	372		✓
Wally Isaac	494-4124	Butte-Silver Bow County	372		✓
Daniel Coleman	498-1215	Butte-Silver Bow County	372		✓
Ron Devlin	442-5820	N.W. Energy	372		✓

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY