

SENATE BILL NO. 260

TESTIMONY OF THE MONTANA PUBLIC SERVICE COMMISSION

SB 260 proposes amendments to a MAPA contested case provision, § 2-4-623, MCA. In one proposed amendment to the section SB 260 would require a final order be issued within 90 days following hearing.

PSC and other agency hearings can be followed by preparation and filing of a transcript (about 14 days following close of hearing), the preparation and filing of an initial brief by the applicant (about 20 to 30 days following filing of transcript), the preparation and filing of a response brief by intervenors (about 20 to 30 days following filing of initial brief), and the preparation and filing of a reply brief by the applicant (about 10 to 20 days following filing of the response briefs). The above transcript and briefing schedule and times referenced can vary considerably. In any event the time for completion of briefing in a PSC contested case can approach 90 days and, even if expedited (usually not a great idea), is unlikely to be accomplished in less than 45 days.

The PSC suggests an amendment to SB 260. The amendment would accommodate the transcript and briefing schedule, including the schedule in hearings which are conducted by a hearings examiner. The amendment is attached for the committee's consideration.

Thank you.

- END -

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AMENDMENT SUGGESTED BY THE MONTANA PUBLIC SERVICE COMMISSION

1. Page 1, line 14,

After: "hearing,"

Insert: "or, if arguments are submitted after a hearing or after a proposed order, within 90 days after the arguments are submitted,"

- END -