62nd Legislature HB0233.02

1	HOUSE BILL NO. 233
2	INTRODUCED BY J. O'HARA
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CERTAIN QUALIFYING SMALL POWER
5	PRODUCTION FACILITIES TO ACCEPT A RATE SCHEDULE APPROVED BY THE PUBLIC SERVICE
6	COMMISSION; EXTENDING THE TIME WITHIN WHICH THE PUBLIC SERVICE COMMISSION IS REQUIRED
7	TO RENDER A DECISION; AMENDING SECTION 69-3-603, MCA; AND PROVIDING AN IMMEDIATE
8	EFFECTIVE DATE AND AN APPLICABILITY DATE."
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10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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12	Section 1. Section 69-3-603, MCA, is amended to read:
13	"69-3-603. (Temporary) Required sale of electricity under rates and conditions prescribed by
14	commission. (1) If Except as provided in subsection (3), if a qualifying small power production facility and a utility
15	are unable to mutually agree to a contract for the sale of electricity or a price for the electricity to be purchased
16	by the utility, the commission shall require the utility to purchase the electricity under rates and conditions
17	established under the provisions of subsection (2).
18	(2) The commission shall determine the rates and conditions of the contract upon petition of a qualifying
19	small power production facility or a utility or during a rate proceeding involving the review of rates paid by a utility
20	for electricity purchased from a qualifying small power production facility. The commission shall render a decision
21	within 120 180 days of receipt of the petition or before the completion of the rate proceeding. The rates and
22	conditions of the determination shall must be made according to the standards prescribed in 69-3-604.
23	(3) (a) If a qualifying small power production facility is eligible to sell electricity to a utility pursuant to a
24	rate schedule approved by the commission, neither the qualifying small power production facility nor the utility
25	may petition the commission in accordance with subsection (2) to authorize a rate or term different from that in
26	the rate schedule.
27	(b) A qualifying small power production facility may file a complaint pursuant to 69-3-321 if the facility
28	feels the rate schedule approved by the commission is unreasonable. (Repealed on occurrence of
29	contingencysecs. 1, 3, Ch. 284, L. 2003see part compiler's comment.)"
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1	NEW SECTION. Section 2. Saving clause. [This act] does not affect rights and duties that matured
2	penalties that were incurred, or proceedings that were begun before [the effective date of this act].
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4	NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable
5	from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
6	remains in effect in all valid applications that are severable from the invalid applications.
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8	NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.
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10	NEW SECTION. Section 5. Applicability. [This act] applies to contracts executed on or after [the
11	effective date of this act].
12	- END -

