



AN ACT REQUIRING CERTAIN QUALIFYING SMALL POWER PRODUCTION FACILITIES TO ACCEPT A RATE SCHEDULE APPROVED BY THE PUBLIC SERVICE COMMISSION; EXTENDING THE TIME WITHIN WHICH THE PUBLIC SERVICE COMMISSION IS REQUIRED TO RENDER A DECISION; AMENDING SECTION 69-3-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

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

Section 1. Section 69-3-603, MCA, is amended to read:

"69-3-603. (Temporary) Required sale of electricity under rates and conditions prescribed by commission. (1) ~~If~~ Except as provided in subsection (3), if a qualifying small power production facility and a utility are unable to mutually agree to a contract for the sale of electricity or a price for the electricity to be purchased by the utility, the commission shall require the utility to purchase the electricity under rates and conditions established under the provisions of subsection (2).

(2) The commission shall determine the rates and conditions of the contract upon petition of a qualifying small power production facility or a utility or during a rate proceeding involving the review of rates paid by a utility for electricity purchased from a qualifying small power production facility. The commission shall render a decision within ~~420~~ 180 days of receipt of the petition or before the completion of the rate proceeding. The rates and conditions of the determination ~~shall~~ must be made according to the standards prescribed in 69-3-604.

(3) (a) If a qualifying small power production facility is eligible to sell electricity to a utility pursuant to a rate schedule approved by the commission, neither the qualifying small power production facility nor the utility may petition the commission in accordance with subsection (2) to authorize a rate or term different from that in the rate schedule.

(b) A qualifying small power production facility may file a complaint pursuant to 69-3-321 if the facility feels the rate schedule approved by the commission is unreasonable. (Repealed on occurrence of contingency--secs. 1, 3, Ch. 284, L. 2003--see part compiler's comment.)"

Section 2. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Applicability. [This act] applies to contracts executed on or after [the effective date of this act].

- END -

I hereby certify that the within bill,
HB 0233, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 233

INTRODUCED BY J. O'HARA

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