

1 SENATE BILL NO. 246

2 INTRODUCED BY A. OLSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PETITION PROCESS OF A REGULATED
5 TELECOMMUNICATION SERVICES PROVIDER FOR SUBMITTING A PLAN FOR AN ALTERNATIVE FORM
6 OF REGULATION; ELIMINATING CERTAIN REQUIREMENTS ASSOCIATED WITH A PROPOSED ORDER
7 MODIFYING A PLAN FOR AN ALTERNATIVE FORM OF REGULATION; AMENDING SECTION 69-3-809, MCA;
8 AND PROVIDING AN IMMEDIATE EFFECTIVE 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 69-3-809, MCA, is amended to read:

13 **"69-3-809. Alternative forms of regulation.** (1) The commission may authorize a provider of regulated
14 telecommunication services, as defined in 69-3-803, to implement alternatives to the ratemaking practices
15 required under parts 2, 3, and 9 of this chapter, including but not limited to price caps and equitable sharing of
16 earnings or revenues between a provider of regulated telecommunications services and its customers.

17 (2) A provider of regulated telecommunications services may petition the commission to regulate the
18 provider under an alternative form of regulation. The provider shall submit its plan for an alternative form of
19 regulation with its petition. The commission's order on the petition must be issued no later than 9 months after
20 the filing of the petition. The commission shall review and may authorize implementation of the plan if it finds, after
21 notice and hearing, that the plan:

22 (a) will not degrade the quality of or the availability of efficient telecommunications services;

23 (b) will produce fair, just, and reasonable rates for telecommunications services;

24 (c) will not unduly or unreasonably prejudice or disadvantage a customer class;

25 (d) will reduce regulatory delay and costs;

26 (e) is in the public interest;

27 (f) will enhance economic development in the state;

28 (g) will result in the improvement of the telephone infrastructure in the state; and

29 (h) conforms to the purpose stated in 69-3-802 more nearly than regulation under part 2, 3, or 9 of this
30 chapter conforms to the stated purpose.

1 (3) If the commission determines that the plan does not satisfy the requirements of this section, it may
2 either reject the petition or issue a proposed order modifying the plan as submitted by the provider.

3 ~~(4) A proposed order modifying the plan submitted by a provider of regulated telecommunications service~~
4 ~~may not be final until 60 days after issuance. During that 60-day period, the provider may withdraw its petition~~
5 ~~for alternative regulation or the consumer counsel may object to the proposed order. If a petition for alternative~~
6 ~~regulation is withdrawn or the consumer counsel objects to the proposed order, the provider:~~

7 ~~—— (a) remains subject to the same regulation that applied when the petition was filed; and~~

8 ~~—— (b) may petition the commission to be regulated under a revised alternative plan.~~

9 (5)(4) Upon petition or upon its own motion, the commission may rescind its approval or amend an
10 alternative form of regulation if, after notice and hearing, it finds that the conditions in subsection (2) are no longer
11 satisfied.

12 (6)(5) Nothing contained in this section may be construed as limiting or otherwise affecting the
13 commission's authority to conduct investigations or hear complaints as provided in part 3 of this chapter."
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15 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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