



AN ACT CLARIFYING THE PETITION PROCESS OF A REGULATED TELECOMMUNICATION SERVICES PROVIDER FOR SUBMITTING A PLAN FOR AN ALTERNATIVE FORM OF REGULATION; ELIMINATING CERTAIN REQUIREMENTS ASSOCIATED WITH A PROPOSED ORDER MODIFYING A PLAN FOR AN ALTERNATIVE FORM OF REGULATION; AMENDING SECTION 69-3-809, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 69-3-809, MCA, is amended to read:

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

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

- (a) will not degrade the quality of or the availability of efficient telecommunications services;
- (b) will produce fair, just, and reasonable rates for telecommunications services;
- (c) will not unduly or unreasonably prejudice or disadvantage a customer class;
- (d) will reduce regulatory delay and costs;
- (e) is in the public interest;
- (f) will enhance economic development in the state;
- (g) will result in the improvement of the telephone infrastructure in the state; and
- (h) conforms to the purpose stated in 69-3-802 more nearly than regulation under part 2, 3, or 9 of this

chapter conforms to the stated purpose.

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

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

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

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

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

~~(6)~~(5) Nothing contained in this section may be construed as limiting or otherwise affecting the commission's authority to conduct investigations or hear complaints as provided in part 3 of this chapter."

Section 2. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0246, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2011.

Speaker of the House

Signed this _____ day
of _____, 2011.

SENATE BILL NO. 246

INTRODUCED BY A. OLSON

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