



## Montana Legislative Services Division

### Legal Services Office

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**TO:** Energy and Telecommunications Interim Committee  
**FROM:** Todd Everts  
**DATE:** October 28, 2011  
**RE:** Legislative Administrative Rule Review Report

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Pursuant to 5-5-230, MCA, the Energy and Telecommunication Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the Energy and Telecommunications Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the Energy and Telecommunications Interim Committee and does not preclude additional action that may be taken by the Energy and Telecommunications Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

**MAR NOTICE NUMBER:**

38-5-214

**AGENCY/BOARD:**

Department of Public Service Regulation

**RULE CLASSIFICATION:** (e.g. substantive/interpretative/emergency/temporary)

Substantive

**SUBJECT:**

Qualifying Facilities

**NOTICE DESCRIPTION:** (e.g. proposal notice/adoption notice)

Notice of public hearing on proposed amendment

**SUMMARY OF RULE(S):**

The Department of Public Service Regulation is proposing to amend the general rule provisions with respect to the purchase and sale of electric power between a public utility and a qualifying facility. Specifically proposed amendments decrease design capacity amount for small qualifying facilities from 10 MW to 2 MW.

**NOTES:** (e.g. hearing dates)

A hearing is scheduled on the above referenced rules on November 18, 2011, at 10 a.m., at the Public Service Commission in the Bollinger Room, 1701 Prospect Avenue, Helena, Montana.

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**MAR NOTICE NUMBER:**

38-5-212

**AGENCY/BOARD:**

Department of Public Service Regulation

**RULE CLASSIFICATION:** (e.g. substantive/interpretative/emergency/temporary)

Substantive

**SUBJECT:**

Incorporation of updated National Electrical Safety Code and Federal Pipeline Safety Regulations

**NOTICE DESCRIPTION:** (e.g. proposal notice/adoption notice)

Notice of proposed amendment

**SUMMARY OF RULE(S):**

The Department of Public Service Regulation is proposing to amend its incorporation by reference rules related to National Electrical Safety Codes and Federal Pipeline Safety Regulations to allow the department to administer the most recent versions of those codes and regulations.

**NOTES:** (e.g. hearing dates)

On December 2, 2011, the Department of Public Service proposes to amend these rules.