

SENATE BILL NO. 219
INTRODUCED BY K. TOOLE

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE APPLICATION OF THE NET METERING LAWS TO CERTAIN UTILITIES; AMENDING SECTIONS 69-8-201 AND 69-8-311, MCA; REPEALING SECTION 69-8-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 69-8-201, MCA, is amended to read:

"69-8-201. Public utility -- transition to customer choice -- waiver. (1) A public utility shall, except as provided in this section, adhere to the following deadlines:

(a) All customers with individual loads greater than 1,000 kilowatts and for loads of the same customer with individual loads at a meter greater than 300 kilowatts that aggregate to 1,000 kilowatts or greater must have the opportunity to choose an electricity supplier.

(b) Before July 1, 2007, all other public utility customers must have the opportunity to choose an electricity supplier.

(2) The commission shall designate the public utility or one or more default suppliers to provide regulated default service for those small customers of a public utility that are not being served by a competitive electricity supplier.

(3) Except as provided in 69-5-101, 69-5-102, 69-5-104 through 69-5-112, ~~and 69-8-402,~~ and 69-8-601 through 69-8-604, a public utility currently doing business in Montana as part of a single integrated multistate operation, no portion of which lies within the basin of the Columbia River, may defer compliance with this chapter until a time that the public utility can reasonably implement customer choice in the state of the public utility's primary service territory.

(4) Upon a request from a public utility with fewer than 50 customers, the commission shall waive compliance with the requirements of 69-8-104, 69-8-202 through 69-8-204, 69-8-208 through 69-8-211, 69-8-402, and this section."

Section 2. Section 69-8-311, MCA, is amended to read:

"69-8-311. Cooperative utility -- exemption. (1) Within 1 year after May 2, 1997, a cooperative utility

may file a notice with the commission that the cooperative utility does not intend to open the cooperative utility's distribution facilities to electricity suppliers and does not intend to adopt a transition plan. Except as otherwise provided in the universal system benefits program pursuant to 69-8-402 or in the net metering requirements under 69-8-601 through 69-8-604, a cooperative utility filing notice under this section is exempt from the provisions and requirements of this chapter.

(2) A cooperative utility filing a notice under this section:

- (a) may elect later to adopt a transition plan in accordance with this chapter; and
- (b) may not use a public utility's distribution facilities unless preexisting contracts exist."

NEW SECTION. **Section 3. Repealer.** Section 69-8-605, MCA, is repealed.

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

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