

1 HOUSE BILL NO. 188

2 INTRODUCED BY K. REGIER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE PUBLIC SERVICE COMMISSION TO APPROVE
5 RATE SCHEDULES FOR CERTAIN SMALL POWER PRODUCERS; PROHIBITING THE COMMISSION FROM
6 APPROVING RATE SCHEDULES FOR CERTAIN SMALL POWER PRODUCERS; AMENDING SECTION
7 69-3-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

12 **"69-3-603. (Temporary) Required sale of electricity under rates and conditions prescribed by**
13 **commission.** (1) Except as provided in subsection (3), if a qualifying small power production facility and a utility
14 are unable to mutually agree to a contract for the sale of electricity or a price for the electricity to be purchased
15 by the utility, the commission shall require the utility to purchase the electricity under rates and conditions
16 established under the provisions of subsection (2).

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

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

26 (b) (i) The commission shall approve a rate schedule for sales of electricity to a utility from a qualifying
27 small power production facility with a design capacity of 100 kilowatts or less.

28 (ii) The commission may not approve a rate schedule for sales of electricity to a utility from a qualifying
29 small power production facility with a design capacity of more than 100 kilowatts.

30 ~~(b)~~(c) A qualifying small power production facility may file a complaint pursuant to 69-3-321 if the facility

1 feels the rate schedule approved by the commission is unreasonable. (Repealed on occurrence of
2 contingency--secs. 1, 3, Ch. 284, L. 2003--see part compiler's comment.)"

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4 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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