

## SENATE BILL NO. 307

INTRODUCED BY G. JERGSON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING AUTOMATIC UTILITY RATE ADJUSTMENT AND  
5 TRACKING FOR TAXES AND FEES; ALLOWING A UTILITY TO DISCLOSE TAXES AND FEES; AMENDING  
6 SECTIONS 69-3-302 AND 69-3-303, MCA; REPEALING SECTION 69-3-308, MCA; AND PROVIDING A  
7 RETROACTIVE APPLICABILITY DATE."

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

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11 NEW SECTION. **Section 1. Disclosure of taxes and fees paid by customers of public utility.** A  
12 public utility may separately disclose in a customer's bill the amount of state and local taxes and fees assessed  
13 against the public utility that the customer is paying.

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15 **Section 2.** Section 69-3-302, MCA, is amended to read:  
16 **"69-3-302. Changes in schedules.** (1) ~~Except as provided in 69-3-308, a~~ A change may not be made  
17 in any schedule, including schedules of joint rates, except as approved by the commission, upon the passage  
18 of 9 months, or by operation of 69-3-907(1). If the 9-month time period expires prior to commission approval of  
19 a schedule, a utility may waive the time period.

20 (2) Notwithstanding any provision of this title to the contrary, ~~other than rate adjustments made pursuant~~  
21 ~~to 69-3-308,~~ the rates, tolls, or charges set forth in any schedule filed with the commission pursuant to 69-3-301  
22 must become effective and be lawful rates, tolls, or charges for the utility service rendered 9 months after the date  
23 upon which the schedule was filed under the rules of practice and procedure for filing as adopted by the  
24 commission or upon commission approval, whichever occurs first, unless the utility waives the 9-month time  
25 period. However, if the rates, tolls, or charges become effective because of the passage of 9 months, the revenue  
26 collected is subject to rebate, plus interest at an annual rate determined by the commission, to the extent that the  
27 rates, tolls, or charges ultimately approved by the commission in its final decision produce revenue that is less  
28 than that collected under the filed schedules. In the case of an investor-owned utility, the interest rate set by the  
29 commission may not exceed the cost of equity capital as last determined by the commission.

30 (3) The commission may prescribe rules necessary to effectively administer this section."

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2           **Section 3.** Section 69-3-303, MCA, is amended to read:  
3           "**69-3-303. Notice and hearing on proposed change.** (1) ~~Except as provided in 69-3-308, before~~  
4 Before the commission may approve any change increasing the rate or rates for utility service in a schedule  
5 generally affecting consumers in a utility's service area or before any change may become effective ~~due to~~  
6 because of the passage of 9 months, the commission shall publish a notice of the proposed change, conforming  
7 to the requirements of 2-4-601 in one or more newspapers published and of general circulation within the area  
8 affected by the proposed change. This notice must announce a hearing on the proposed change and must inform  
9 interested persons as to how they may petition the commission to become parties to the hearing.

10           (2) The commission shall proceed to conduct the hearing under the Montana Administrative Procedure  
11 Act. The final decision of the commission in any matter decided after a hearing conducted pursuant to this section  
12 must conform to the requirements of a decision in a contested case under the Montana Administrative Procedure  
13 Act.

14           (3) The consumer counsel may petition to become a party to the hearing."  
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16           NEW SECTION. **Section 4. Repealer.** The following section of the Montana Code Annotated is  
17 repealed:

18 69-3-308.       Disclosure of taxes and fees paid by customers of public utility -- automatic rate adjustment and  
19 tracking for taxes and fees.  
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21           NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
22 integral part of Title 69, chapter 3, part 3, and the provisions of Title 69, chapter 3, part 3, apply to [section 1].  
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24           NEW SECTION. **Section 6. Retroactive applicability.** [This act] applies retroactively, within the  
25 meaning of 1-2-109, to tax years beginning after December 31, 2012.  
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