

SENATE BILL NO. 327

INTRODUCED BY M. BLASDEL

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A DEADLINE FOR THE PUBLIC SERVICE
5 COMMISSION TO ISSUE AN ORDER FOR RATE SCHEDULES FOR THE PURCHASE OF ELECTRICITY
6 FROM A QUALIFYING SMALL POWER PRODUCTION FACILITY; AMENDING SECTION 69-3-603, MCA; AND
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY 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) (a) The commission shall determine the rates and conditions of the contract upon petition of a
18 qualifying small power production facility or a utility or during a rate proceeding involving the review of rates paid
19 by a utility for electricity purchased from a qualifying small power production facility. The commission shall render
20 a decision within 180 days of receipt of the petition or, in accordance with subsection (2)(b), before the completion
21 of the rate proceeding. The rates and conditions of the determination must be made according to the standards
22 prescribed in 69-3-604.

23 (b) When a utility files a request to establish or revise rate schedules for qualifying small power
24 production facilities pursuant to rules adopted by the commission, the commission shall issue an order within 270
25 days of receipt of the request.

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

30 (b) 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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6 NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the
7 meaning of 1-2-109, to requests to establish or revise rate schedules filed on or after January 1, 2015.

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