

## HOUSE BILL NO. 475

INTRODUCED BY T. WOODS

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE AUTHORITY OF THE PUBLIC SERVICE COMMISSION TO REQUIRE CERTAIN PUBLIC UTILITIES TO FILE GENERAL RATE CASES; MAKING EXPLICIT THAT FOLLOWING THE FILINGS, PUBLIC UTILITIES HAVE THE BURDEN OF PERSUASION; DEFINING TERMS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

NEW SECTION. **Section 1. General rate cases.** ~~(1) If 2 years have elapsed since the commission issued an order approving the rates and schedules of a public utility following a general rate case, the public utility must~~ AT ANY TIME CONSIDERED TO BE IN THE PUBLIC INTEREST AND APPROPRIATE, THE COMMISSION MAY REQUIRE THAT A PUBLIC UTILITY file an application for a general rate case, ~~or some part of a general rate case, as determined by the commission.~~ The commission may require that any application made pursuant to this section conform to its rules on practice, procedure, and minimum filing requirements. A public utility filing an application pursuant to this section has the burden of persuading the commission that the rates, schedules, and service proposals contained in the application are reasonable and just.

(2) For purposes of this section:

(a) (i) "general rate case" means a contested case review of all necessary components of the revenue requirement, allocated cost of service, and rate design of a public utility, followed by a commission order establishing rates and schedules.

(ii) The term does not mean:

(A) a commission proceeding on an application from a public utility to reflect in its rates changes in the commodity cost of natural gas or electricity;

(B) a proceeding on an application from a public utility for an automatic rate adjustment pursuant to 69-3-308; or

(C) any other proceeding allowed by the commission on an application from a public utility to change rates and schedules based on a review of a single or a limited number of public utility cost components.

1 (b) "public utility" means any public utility regulated by the commission pursuant to Title 69, chapter 3,  
2 that provides electricity or natural gas for sale to customers.

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4 NEW SECTION. SECTION 2. IMPLEMENTATION. THE COMMISSION SHALL IMPLEMENT [THIS ACT] WITHIN  
5 EXISTING RESOURCES.

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7 NEW SECTION. SECTION 3. Codification instruction. [Section 1] is intended to be codified as an  
8 integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [section 1].

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

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12 NEW SECTION. SECTION 5. Retroactive applicability. [This act] applies retroactively, within the  
13 meaning of 1-2-109, to general rates established on or after January 1, 2017.

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