**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TIMELINES IN QUALIFYING SMALL POWER PRODUCTION FACILITY RATE PROCEEDINGS; AMENDING SECTION 69-3-603, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

(2) (a) The commission shall determine the rates and conditions of the contract upon petition of a qualifying small power production facility or a utility or during a rate proceeding involving the review of rates paid by a utility for electricity purchased from a qualifying small power production facility. The commission shall render a decision within ~~180~~270 days of receipt of the petition or, in accordance with subsection (2)(b), before the completion of the rate proceeding. The rates and conditions of the determination must be made according to the standards prescribed in 69-3-604.

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

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

in the rate schedule.

(b) A qualifying small power production facility may file a complaint pursuant to 69-3-321 if the facility feels the rate schedule approved by the commission is unreasonable. (Repealed on occurrence of contingency--secs. 1, 3, Ch. 284, L. 2003--see part compiler's comment.)"

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

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