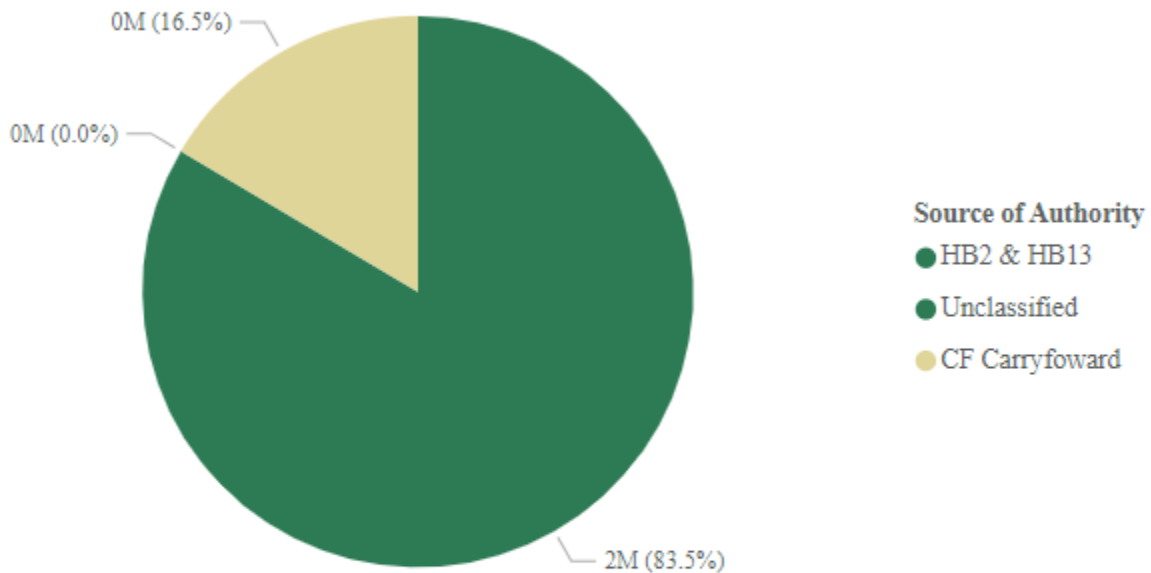


CONSUMER COUNSEL

TOTAL APPROPRIATION AUTHORITY

The total appropriation authority for the Consumer Counsel is shown in the pie chart below. HB 2 and HB 13 provide 83.5% of the total authority for this agency. All types of appropriation authority for this agency are described below, including total budget and the percent expended by source of authority.

Total Modified Budget by Source of Authority



| Source of Authority | Modified Budget | Expended Budget | % Expended |
|---------------------|------------------|-----------------|--------------|
| HB2 & HB13 | 1,745,650 | 791,779 | 45.4% |
| CF Carryforward | 344,722 | | |
| Unclassified | 28 | | |
| Total | 2,090,400 | 791,779 | 37.9% |

Carryforward Authority

In addition to HB 2 authority, the Consumer Counsel has carryforward authority totaling approximately \$345,000 in FY 2024. This includes approximately \$206,000 of carryforward appropriation authority from FY 2022 and \$139,000 from FY 2023. The carryforward authority has been established entirely as operating expenses and is 0.0% expended as of May 31, 2024. The agency does not expect to expend any of their FY 2022 authority prior to the end of the fiscal year.

Unclassified

The Consumer Counsel has unclassified appropriation authority of \$28 because of lower workers' compensation premiums. Per 39-71-403(1)(b)(iv), MCA, when workers' compensation premiums are lower than the previous year, state agencies shall reduce personal services appropriations by the amount of the premium reduction. To track the changes in appropriation authority, total appropriations are not reduced, instead the Governor's Office of Budget and Program Planning (OBPP) requires state agencies to:

- Reduce HB 2, statutory, and proprietary appropriations
- Create a separate offsetting entry on the financial statements in the same amount using an identifying number for workers' compensation entries

The offsetting entries are identified as "frozen" appropriations, which means the appropriations will not be spent unless authorized by OBPP.

HB 2 BUDGET MODIFICATIONS

The following chart shows the HB 2 budget as passed by the legislature, including the pay plan, and the HB 2 modified budget from March 1, 2024 to May 31, 2024. Net modifications to the budget include operating plan changes from one expenditure account to another, program transfers, reorganizations, and agency transfers of authority. The **positive modifications** and **negative modifications** are shown by program, expenditure account, and fund type.

Legislative Budget Compared to Modified Budget - HB 2 Only

| Agency Name | HB 2 Budget | Modified Budget | Net Modifications |
|---------------------------|------------------|------------------|-------------------|
| Consumer Counsel | 1,745,650 | 1,745,650 | |
| 01 ADMINISTRATIVE PROGRAM | 1,745,650 | 1,745,650 | |
| Total | 1,745,650 | 1,745,650 | |

| Expenditure Type | HB 2 Budget | Modified Budget | Net Modifications |
|--------------------------|------------------|------------------|-------------------|
| 61000 Personal Services | 717,795 | 717,795 | |
| 62000 Operating Expenses | 985,623 | 985,623 | |
| 69000 Debt Service | 42,232 | 42,232 | |
| Total | 1,745,650 | 1,745,650 | |

| Fund Type | HB 2 Budget | Modified Budget | Net Modifications |
|-------------------------|------------------|------------------|-------------------|
| 02 State/Other Spec Rev | 1,745,650 | 1,745,650 | |
| Total | 1,745,650 | 1,745,650 | |

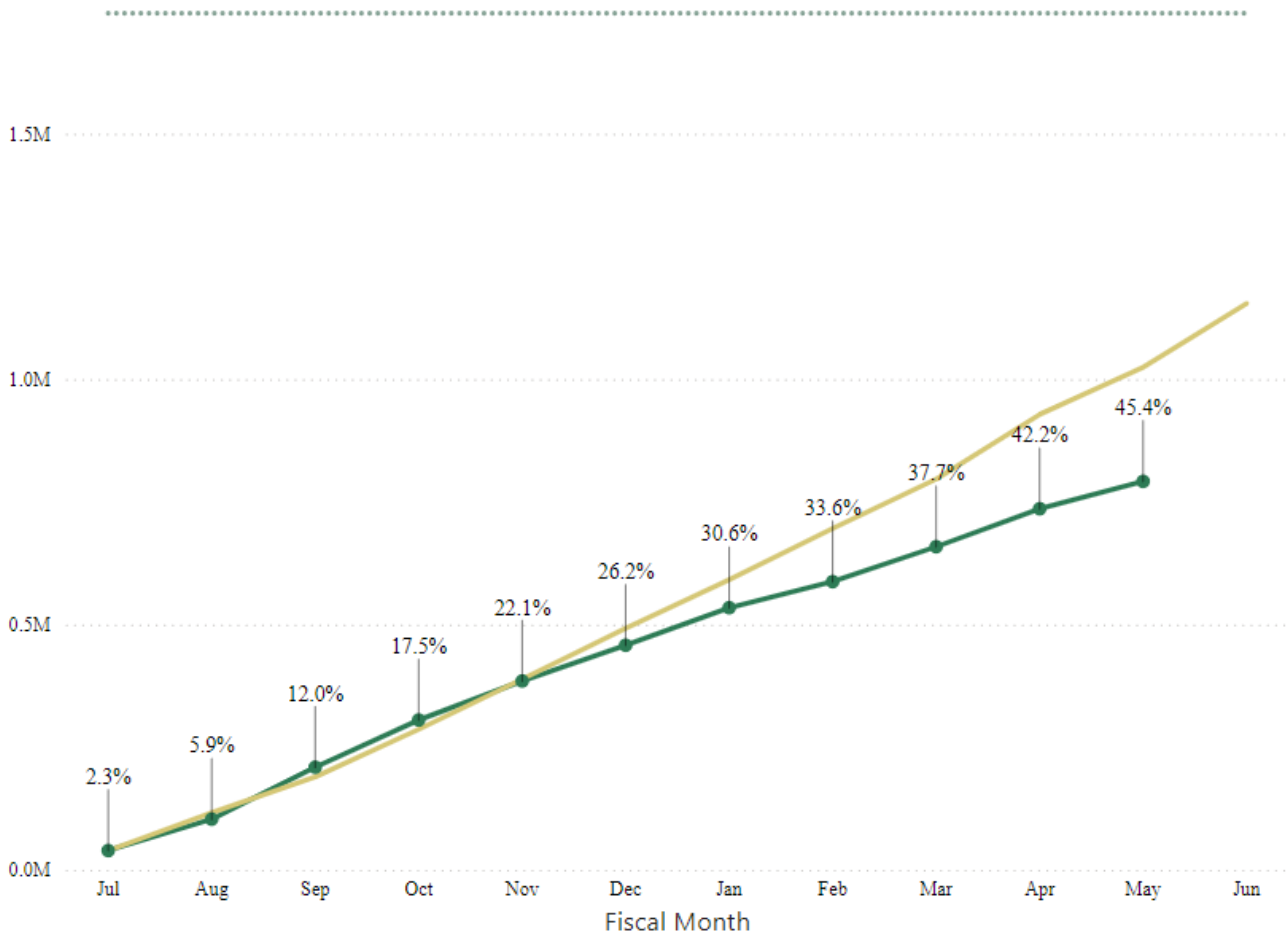
The Consumer Counsel did not make any budget modifications between March 1, 2024 and May 31, 2024.

HB 2 APPROPRIATION AUTHORITY

The following chart shows the appropriated budget for the agency compared to expenditures through May 31, 2024.

Monthly Expenditures Compared to Historical Average

● FY 2024 Budget ● Cumulative Monthly FY 2024 Expenditures ● Cumulative Historical Monthly Average Expended



| Program Name | Modified Budget | Expended Budget | % Expended |
|-----------------------------|------------------|-----------------|--------------|
| ☐ 01 ADMINISTRATIVE PROGRAM | 1,745,650 | 791,779 | 45.4% |
| Total | 1,745,650 | 791,779 | 45.4% |

| Expenditure Type | Modified Budget | Expended Budget | % Expended |
|----------------------|------------------|-----------------|--------------|
| ☐ Personal Services | 717,795 | 552,860 | 77.0% |
| ☐ Operating Expenses | 985,623 | 196,688 | 20.0% |
| ☐ Debt Service | 42,232 | 42,231 | 100.0% |
| Total | 1,745,650 | 791,779 | 45.4% |

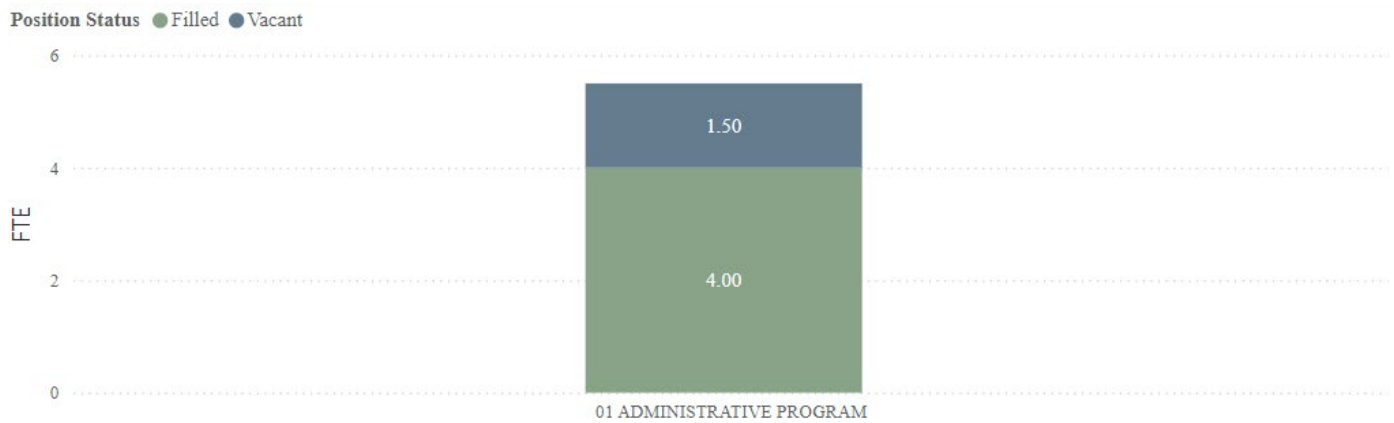
| Fund Type | Modified Budget | Expended Budget | % Expended |
|---------------------------|------------------|-----------------|--------------|
| ☐ 02 State/Other Spec Rev | 1,745,650 | 791,779 | 45.4% |
| Total | 1,745,650 | 791,779 | 45.4% |

The Consumer Counsel is entirely funded with state special revenue generated by fees imposed on regulated entities under the jurisdiction of the Public Service Commission. The Consumer Counsel expended 45.4% of its \$1.7 million FY 2024 modified HB 2 budget through May 31, 2024. This expenditure amount is less than average historic expenditures at this point in the fiscal year.

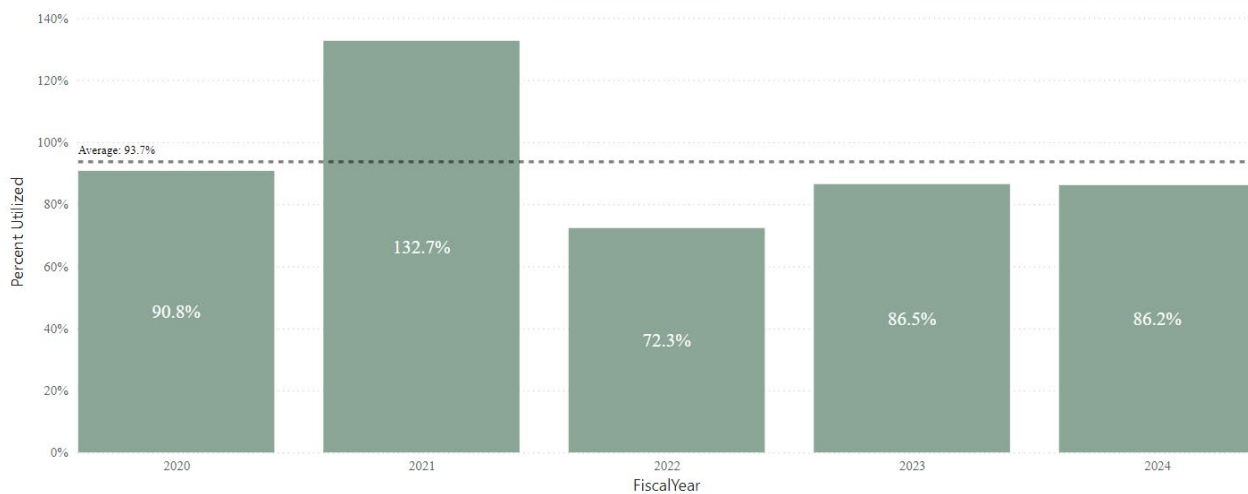
Operating expenses are 20.0% expended as of May 31, 2024. Included in the operating expenses is a restricted, biennial, one-time-only appropriation of \$150,000 for caseload contingencies. According to the agency, several rate cases are expected to be filed simultaneously within CY 2024. With this increase in the number of rate cases, operating expenses will increase as well. At this point in the fiscal year, the Public Service Commission filings and state and federal court hearings have not required the use of the caseload contingency.

Personal Services

Appropriations for personal services in the Consumer Counsel total \$718,000 and are 77.0% expended through May 31, 2024. The agency has 5.50 HB 2 FTE, and 72.7% of these positions are filled as of May 1, 2024. The following chart shows the filled and vacant FTE within the agency as of May 1, 2024.



The chart below shows the hourly utilization percentage for the Consumer Counsel between July 1 and May 1 for each fiscal year when compared to the available hours for the same time period. Although the historical utilization at this point in FY 2024 is lower than the average, the utilization is similar to that of FY 2023 and above the utilization of FY 2022. If the FY 2021 outlier data is removed the FY 2024 historical utilization is higher than this average of 84.0%. The large increase in historical utilization in FY 2021 is due to an employee payout of hours following their tenure with the agency.



The chart below shows the vacant FTE in the Consumer Counsel, the number of months the position has been vacant and the midpoint hourly pay rate. Of the 1.50 FTE vacant, 1.00 FTE is for a staff attorney position which recently became vacant. The Consumer Counsel is currently accepting applications for this position. This posting will likely delay the recruitment of the 0.50 FTE position to beyond the end of the fiscal year due to the difficulty in effectively onboarding multiple staff in a small agency.

Vacant Positions Report

| | FTE | Median Months Vacant | Market Midpoint (Hourly) |
|------------------------------------|-------------|----------------------|--------------------------|
| ⊖ 11120 CONSUMER COUNSEL | 1.50 | | 7.02 |
| ⊖ 01 ADMINISTRATIVE PROGRAM | 1.50 | | 7.02 |
| Consumer Counsel - Prof | 1.50 | | 7.02 |
| Total | 1.50 | | 7.02 |