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Energy and Telecommunications Interim Committee
63rd Montana Legislature

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September 17, 2013

Chairman Bill Gallagher
Montana Public Service Commission
1701 Prospect Ave
P.O. Box 202601
Helena, MT 59620-2601

Dear Chairman Gallagher:

Pursuant to section 5-5-230, MCA, the Energy and Telecommunications Interim Committee (ETIC) reviewed MAR Notice No. 38-5-218 to amend ARM 38.5.1902 pertaining to qualifying facilities. After careful consideration, the ETIC, on a unanimous vote, notified the ETIC's presiding officer on September 13, 2013, that they objected to the notice of proposed rulemaking. The ETIC objected to the notice of proposed rulemaking because the proposed amendments to ARM 38.5.1902 did not consider a 3 MW cap. This letter constitutes notice to the Department of Public Service Regulation that the ETIC objected to MAR Notice No. 38-5-218 pursuant to section 2-4-305(9), MCA, of the Montana Administrative Procedure Act. A copy of this notification is included in the ETIC's records.

The effect of the ETIC's objection is that following the receipt of this notice by the Department, the proposed rule may not be adopted until publication of the last issue of the Register that is published before expiration of the 6-month period during which the adoption notice must be published unless, prior to that time, the ETIC meets and does not make the same objection.

Please do not hesitate to contact me for additional information regarding this matter.

Sincerely,

Todd M. Everts
Chief Legal Counsel
Montana State Legislature

cc: ETIC Committee Members
Sonja Nowakowski, ETIC Lead Staff
Justin Kraske, Chief Legal Counsel, Montana Public Service Commission C10429 3260tena.