



## Energy and Telecommunications Interim Committee

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### 62nd Montana Legislature

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SONJA NOWAKOWSKI, Lead Staff  
TODD EVERTS, Staff Attorney  
DAWN FIELD, Secretary

June 29, 2012

**TO:** Energy and Telecommunications Interim Committee (ETIC) members

**FR:** ETIC staff

**RE:** Public Service Commission (PSC) draft legislation

To facilitate the orderly drafting of executive branch bill drafts and to allow legislative oversight of agency bill draft proposals, each agency assigned to the ETIC for oversight purposes is required to present descriptions of proposed legislation to the ETIC. The ETIC has oversight of the Department of Public Service Regulation.

Mid-May through September of each even-numbered year is usually the time period that the ETIC receives the PSC descriptions of its proposed legislation. At your upcoming July meeting, the PSC will present the descriptions of their proposed legislation. The ETIC will be asked to review and discuss the legislative proposals and then make a formal decision as to whether the proposed legislation should be requested.

The ETIC's decision to "request" on behalf of the PSC that a bill be drafted does not mean that the ETIC necessarily endorses the bill draft. It simply gets the requests into the bill drafting system so that the bill drafts can be drafted and pre-introduced prior to the legislative session. The PSC will be responsible for finding a legislator to actually carry the bill during the session.

This also does not mean that the ETIC has to request that all of the PSC's bill draft proposals be drafted. In the past, the ETIC has occasionally made the decision not to request that an agency proposal be drafted. If an interim committee does not agree to request the legislation, the agency may still proceed by finding a holdover or unopposed legislator to request the legislation. This is the opportunity for the ETIC to provide its insights, comments, and constructive criticism regarding PSC policy proposals.

The PSC proposals are attached for your review and discussion.

Sonja Nowakowski

## PSC 2013 Legislative Proposal Summaries

- 1) **Remove provisions in Title 69, Chapter 12 (motor carrier regulation), that are no longer applicable due to federal preemption of state authority.** The Federal Aviation Administration Authorization Act of 1994 preempted state regulation of motor carriers transporting property, with the exception of household goods. The PSC proposes with this bill (**draft attached**) to repeal and amend various sections of Chapter 12 to eliminate statutory provisions related to transportation of property, such as those related to transportation of buildings or freight. Because the Interstate Commerce Commission (ICC) has not existed since the mid-1990's, the bill would also remove obsolete requirements for carriers to submit to the PSC certain reports they used to file with the ICC.
  
- 2) **Revise various provisions in the renewable portfolio standard (RPS) statutes (§§ 69-3-2001, MCA, et seq.) for housekeeping and cleanup purposes.** The PSC proposes in this bill (**draft attached**) to clarify certain provisions, facilitate PSC enforcement of the RPS, and align the statute with PSC practice pursuant to its administrative rules.
  
- 3) **Revise § 76-4-104, MCA, to add a new requirement that subdivision developers provide to the Department of Environmental Quality evidence that they have contacted the Public Service Commission regarding their plans for the administration and potential disposition of their proposed subdivision water and wastewater systems.** The PSC proposes this bill to establish a straightforward mechanism by which subdivision developers will be aware in advance of lot sales and construction that their proposed water and wastewater systems may be utilities subject to PSC jurisdiction. Currently, the PSC is often unaware of a regulated small water/wastewater utility's existence until subdivision residents contact the PSC to complain about rates or service quality. At that point, the utility owner is often unprepared and/or unable to comply with the requirements of economic regulation. The PSC proposes amending the statute to ensure the PSC is contacted about proposed subdivision systems so if the system becomes a regulated utility in the future, the developer is informed and prepared to operate it as a regulated utility.

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\*\*\* Bill No. \*\*\*

Introduced By \*\*\*\*\*

By Request of the (Agency or Department)

A Bill for an Act entitled: "An Act generally revising motor carrier statutes to conform with federal laws; amending sections 69-12-311, 69-12-312, 69-12-407 and 69-12-408, MCA; and repealing sections 69-12-331, 69-12-601, 69-12-602, 69-12-603, 69-12-604, 69-12-605 and 69-12-612, MCA."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 69-12-311, MCA, is amended to read:

"**69-12-311. Class A motor carrier certificate.** (1) No Class A motor carrier shall operate for the transportation of persons and/or property for hire on any public highway in this state without first having obtained from the commission, under the provisions of this chapter, a certificate declaring that public convenience and necessity require such operation.

(2) A motor carrier making application for such certificate shall do so in writing, separately for each

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route, which petition shall be verified by the applicant and shall specify the following matters:

- (a) the name and address of the applicant and the names and addresses of its officers, if any;
- (b) the public highway or highways over which and the fixed termini between which or the regular route or routes over which it intends to operate;
- (c) ~~the kind of transportation, whether passenger, freight, or both, together with~~ a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity ~~of any vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in freight traffic;~~
- (d) the proposed time schedule;
- (e) a schedule of the tariff or rates desired to be charged ~~for the transportation of freight and/or passengers;~~
- (f) a complete and detailed description of the property proposed to be devoted to the public service;
- (g) a detailed statement showing the assets and liabilities of such applicant; and
- (h) such other or additional information as the commission may by order require.

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(3) Such application shall be accompanied by a filing fee to be set by rule of the commission."

{*Internal References to 69-12-311: None* }

**Section 2.** Section 69-12-312, MCA, is amended to read:

"**69-12-312. Class B motor carrier certificate.** (1) No Class B motor carrier shall operate for the transportation of persons and/or property for hire on any public highway in this state without first having obtained from the commission, under the provisions of this chapter, a certificate that public convenience and necessity require such operations.

(2) A motor carrier making application for such permit shall do so in writing, separately for each locality for which consideration is desired, which petition shall be verified and shall specify the following matters:

(a) name and address of the applicant and the names and addresses of its officers, if any;

(b) the kind of transportation, whether passenger, ~~freight~~ household goods, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any

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vehicle to be used for passenger traffic and the tonnage capacity of any vehicle to be used in ~~freight~~ household goods traffic;

(c) the locality and character of operations to be conducted;

(d) a schedule of the tariff of rates desired to be charged for the transportation of ~~freight~~ household goods and/or passengers;

(e) a complete and detailed description of the property proposed to be devoted to the public service;

(f) a detailed statement showing the assets and liabilities of such applicant; and

(g) such other or additional information as the commission may by order require.

(3) Such application shall be accompanied by a filing fee to be set by rule of the commission."

{*Internal References to 69-12-312: None* }

**Section 3.** Section 69-12-407, MCA, is amended to read:

**"69-12-407. Records and reports.** (1) All records, books, accounts, and files of every Class A, Class B, Class C, and Class D motor carrier in this state, so far as they

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relate to the business of transportation conducted by the motor carrier, must at all times be subject to examination by the commission or by any authorized agent or employee of the commission. The commission shall prescribe a uniform system of accounts and uniform reports covering the operations of Class A, Class B, Class C, and Class D motor carriers, and every motor carrier authorized to operate in accordance with the provisions of this chapter shall keep its records, books, and accounts according to the uniform system, insofar as possible.

(2) Before April 1 of each year, unless this deadline has been extended for good cause by the commission, every motor carrier authorized to engage in business shall file with the commission a report, under oath, on a form prescribed and furnished by the commission. ~~Those carriers filing an annual report with the interstate commerce commission shall, in addition to filing the report prescribed by the public service commission, submit to the public service commission a copy of the annual report filed with the interstate commerce commission. In addition to annual reports every motor carrier shall prepare and file with the commission, at the time or times and in the form to be prescribed by the commission, annual reports, special~~

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~~reports, and statements giving to the commission information it requires in order to perform its duties under this chapter.~~

(3) In addition to other reporting requirements, the commission shall require the holder of a Class D motor carrier certificate to provide sufficient information to show that the carrier is entitled to possess the Class D motor carrier certificate under the requirements of 69-12-314."

{*Internal References to 69-12-407: None* }

**Section 4.** Section 69-12-408, MCA, is amended to read:

**"69-12-408. Identification of ownership of certain large motor vehicles.** (1) (a) A person may not operate a motor vehicle or combination of vehicles, except farm vehicles, having a gross weight of more than 10,000 pounds upon the highways of the state unless there is displayed on both sides of each vehicle operated under its own power, either alone or in combination, the name or trade name and city and state of or the name or trade name and the public service commission, ~~interstate commerce commission,~~ or department of transportation number of the person or



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corporation under whose jurisdiction the vehicle or vehicles is or are being operated.

(b) The display of name must be in letters in sharp contrast to the background and in size, shape, and color readily legible in daylight from a distance of 50 feet while the vehicle is not in motion. The display must be kept and maintained to remain legible. The display may be accomplished either by painting the information on the vehicle or through the use of a decal or a removable device, prepared so that it meets the identification and legibility requirements of this section.

(2) This section does not apply to motor vehicles being transported to dealers from point of manufacture or from one dealer to another or being demonstrated to a prospect or delivered to a buyer from a dealer or a manufacturer."

{*Internal References to 69-12-408:*  
*69-12-102x* }

NEW SECTION. **Section 5. {standard} Repealer.** The following transactions of the Montana Code Annotated are repealed:

69-12-331. Special provisions relating to transportation of buildings.

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- 69-12-601. Carrier agreements.
- 69-12-602. Limitations on carrier agreements.
- 69-12-603. Investigation of operation under agreement.
- 69-12-604. Hearing required on matters relating to agreements.
- 69-12-605. Relationship of carrier agreements and antitrust laws.
- 69-12-612. Interchange of equipment.

*{Internal References to 69-12-331: None*

*Internal References to 69-12-601:*

69-12-602x            69-12-602x            69-12-603x

69-12-603x

69-12-603x            69-12-603x            69-12-603x

69-12-604x

69-12-605\*x            69-12-605x

*Internal References to 69-12-602:*

69-12-601x            69-12-603x            69-12-603x

69-12-603x

69-12-603x            69-12-605x            69-12-605\*x

*Internal References to 69-12-603:*

69-12-604x            69-12-605x

*Internal References to 69-12-604: None*

*Internal References to 69-12-605: None*

*Internal References to 69-12-612: None}*

-END-

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## 69-3-2003. Definitions.

As used in this part, unless the context requires otherwise, the following definitions apply:

- (1) "Ancillary services" means services or tariff provisions related to generation and delivery of electric power other than simple generation, transmission, or distribution. Ancillary services related to transmission services include energy losses, energy imbalances, scheduling and dispatching, load following, system protection, spinning reserves and nonspinning reserves, and reactive power.
- (2) "Balancing authority" means a transmission system control operator who balances electricity supply and load at all times to meet transmission system operating criteria and to provide reliable electric service to customers.
- (3) "Common ownership" means the same or substantially similar persons or entities that maintain a controlling interest in more than one community renewable energy project even if the ownership shares differ between two community renewable energy projects. Two community renewable energy projects may not be considered to be under common ownership simply because the same entity provided debt or equity or both debt and equity to both projects.
- (4) "Community renewable energy project" means an eligible renewable resource that:
  - (a) is interconnected on the utility side of the meter in which local owners have a controlling interest and that is less than or equal to 25 megawatts in total calculated nameplate capacity; or
  - (b) is owned by a public utility and has less than or equal to 25 megawatts in total nameplate capacity.
- (5)
  - (a) "Competitive electricity supplier" means an ~~electricity supplier y person, corporation, or governmental entity~~ that is selling electricity to small customers at retail rates in the state of Montana and that is not a public utility or cooperative.
  - (b) The term does not include governmental entities selling electricity produced only by facilities generating less than 250 kilowatts that were in operation prior to 1990.
- (6) "Compliance year" means each calendar year beginning January 1 and ending December 31, starting in 2008, for which compliance with this part must be demonstrated.
- (7) "Cooperative utility" means:
  - (a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or
  - (b) an existing municipal electric utility as of May 2, 1997.
- (8) "Dispatch ability" means the ability of either a balancing authority or the owner of an electric generating resource to rapidly start, stop, increase, or decrease electricity production from that generating resource in order to respond to the balancing authority's need to match supply resources to loads on the transmission system.
- (9) "Electric generating resource" means any plant or equipment used to generate electricity by any means.

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~~(9)~~(10) "Electricity supplier" means any person, corporation, or government entity that sells electricity to retail customers in the state and is not a public utility or cooperative utility.

~~(10)~~(11) "Eligible renewable resource" means a facility either located within Montana or delivering electricity from another state into Montana that commences commercial operation after January 1, 2005, and ~~that has been certified by the commission pursuant to 69-3-2006(2)(b) as~~ producing electricity from one or more of the following sources:

- (a) wind;
- (b) solar;
- (c) geothermal;
- (d) water power, in the case of a hydroelectric project that:
  - (i) does not require a new appropriation, diversion, or impoundment of water and that has a nameplate rating of 10 megawatts or less; or
  - (ii) is installed at an existing reservoir or on an existing irrigation system that does not have hydroelectric generation as of April 16, 2009, and has a nameplate capacity of 15 megawatts or less;
- (e) landfill or farm-based methane gas;
- (f) gas produced during the treatment of wastewater;
- (g) low-emission, nontoxic biomass based on dedicated energy crops, animal wastes, or solid organic fuels from wood, forest, or field residues, except that the term does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chroma-arsenic;
- (h) hydrogen derived from any of the sources in this subsection (10) for use in fuel cells;
- (i) the renewable energy fraction from the sources identified in subsections (10)(a) through (10)(j) of electricity production from a multiple-fuel process with fossil fuels; and
- (j) the renewable energy fraction of compressed air derived from any of the sources in this subsection (10) that is forced into a storage reservoir and later released, heated, and passed through a turbine generator.

~~(11)~~(12) "Local owners" means:

- (a) Montana residents;
- (b) general partnerships of which all partners are Montana residents;
- (c) business entities organized under the laws of Montana that:
  - (i) have less than \$50 million of gross revenue;
  - (ii) have less than \$100 million of assets; and
  - (iii) have at least 50% of the equity interests, income interests, and voting interests owned by Montana residents;
- (d) Montana nonprofit organizations;
- (e) Montana-based tribal councils;
- (f) Montana political subdivisions or local governments;
- (g) Montana-based cooperatives other than cooperative utilities; or

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(h) any combination of the individuals or entities listed in subsections (11)(a) through (11)(g).

~~(12)~~(13) "Nonspinning reserve" means offline generation that can be ramped up to capacity and synchronized to the grid within 10 minutes and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

~~(13)~~(14) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on January 1, 2005, including the public utility's successors or assignees.

(15) "Renewable energy credit" means ~~a tradable certificate of proof of the environmental attributes associated with~~ 1 megawatt hour of electricity generated by a ~~certified~~ eligible renewable resource ~~that is and~~ tracked and verified ~~through a tracking system approved~~ by the commission ~~pursuant to 69-3-2006(2)(a) and includes all of the environmental attributes associated with that 1 megawatt hour unit of electricity production.~~

~~(14)~~(16) "Renewable energy fraction" means the proportion of electricity output directly attributable to electricity and associated renewable energy credits produced by one of the sources identified in subsections (11)(a) through (11)(h).

~~(15)~~(17) "Seasonality" means the degree to which an electric generating resource is capable of producing electricity in each of the seasons of the year.

~~(16)~~(18) "Small customer" means a retail customer that has an individual load with an average monthly demand of less than 5,000 kilowatts.

~~(17)~~(19) "Spinning reserve" means the online reserve capacity that is synchronized to the grid system and immediately responsive to frequency control and that is needed to maintain system frequency stability during emergency conditions, unforeseen load swings, and generation disruptions.

~~(18)~~(20) "Total calculated nameplate capacity" means the calculation of total nameplate capacity of the community renewable energy project and other eligible renewable resources that are:

- (a) located within 5 miles of the project;
- (b) constructed within the same 12-month period; and
- (c) under common ownership.

**History:** En. Sec. 3, Ch. 457, L. 2005; Sec. ~~69-8-1003~~, MCA 2005; redes. ~~69-3-2003~~ by Sec. 1, Ch. 220, L. 2007; amd. Sec. 1, Ch. 246, L. 2007; amd. Sec. 1, Ch. 30, L. 2009; amd. Sec. 1, Ch. 118, L. 2009; amd. Sec. 1, Ch. 232, L. 2009; amd. Sec. 1, Ch. 56, L. 2011.

### 69-3-2004. Renewable resource standard -- administrative penalty -- waiver.

(1) Except as provided in ~~69-3-2007~~ and subsections (11) and (12) of this section, a graduated renewable energy standard is established for public utilities and competitive electricity suppliers as provided in subsections (2) through (4) of this section.

(2) In each compliance year beginning January 1, 2008, through December 31, 2009, each public utility and competitive electricity supplier shall procure a

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minimum of 5% of its retail sales of electrical energy in Montana from eligible renewable resources.

- (3)
  - (a) In each compliance year beginning January 1, 2010, through December 31, 2014, each public utility and competitive electricity supplier shall procure a minimum of 10% of its retail sales of electrical energy in Montana from eligible renewable resources.
  - (b) Beginning January 1, 2012, as part of their compliance with subsection (3)(a), public utilities shall purchase both the renewable energy credits and the electricity output from community renewable energy projects that total at least 50 megawatts in nameplate capacity.
  - (c) Public utilities shall proportionately allocate the purchase required under subsection (3)(b) based on each public utility's retail sales of electrical energy in Montana in the calendar year 2011.
- (4)
  - (a) In the compliance year beginning January 1, 2015, and in each succeeding compliance year, each public utility and competitive electricity supplier shall procure a minimum of 15% of its retail sales of electrical energy in Montana from eligible renewable resources.
  - (b)
    - (i) As part of their compliance with subsection (4)(a), public utilities shall purchase both the renewable energy credits and the electricity output from community renewable energy projects that total at least 75 megawatts in nameplate capacity.
    - (ii) In meeting the standard in subsection (4)(b)(i), a public utility may include purchases made under subsection (3)(b).
  - (c) Public utilities shall proportionately allocate the purchase required under subsection (4)(b) based on each public utility's retail sales of electrical energy in Montana in the calendar year 2014.
- (5)
  - (a) In complying with the standards required under subsections (2), ~~(3)(a) and (4)(a) through (4)~~, a public utility or competitive electricity supplier shall, for any given compliance year, calculate its procurement requirement based on ~~the public utility's or competitive electricity supplier's~~ previous year's sales of electrical energy to retail customers in Montana.
  - (b) The standards in subsections (2) through (4) must be calculated on a delivered-energy basis after accounting for any line losses.
- (6) A public utility or competitive electricity supplier has until ~~34~~ months following the end of each compliance year to ~~purchase renewable energy credits for that compliance year~~ meet the standards established in subsections (2) through (4) or to petition the commission for a short-term waiver from full compliance pursuant to subsection (11).
- (7)

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- (a) In order to meet the standards established in subsections (2) through (4), a public utility or competitive electricity supplier may only use:
- (i) electricity from an certified eligible renewable resource ~~in which and~~ the associated renewable energy credits ~~have not been sold separately~~;
  - (ii) renewable energy credits ~~created by an eligible renewable resource~~ purchased separately from the associated electricity; or
  - (iii) any combination of subsections (7) (a) (i) and (7) (a) (ii).
- (b) A public utility or competitive electricity supplier may not resell renewable energy credits and count those sold credits against the public utility's or the competitive electricity supplier's obligation to meet the standards established in subsections (2) through (4).
- (c) Renewable energy credits sold through a voluntary service such as the one provided for in 69-8-210(2) may not be applied against a public utility's or competitive electricity supplier's obligation to meet the standards established in subsections (2) through (4).
- (8) Nothing in this part limits a public utility or competitive electricity supplier from exceeding the standards established in subsections (2) through (4).
- (9) If a public utility or competitive electricity supplier exceeds a standard established in subsections (2) through (4) in any compliance year, the public utility or competitive electricity supplier may carry forward the amount by which the standard was exceeded to comply with the standard in either or both of the 2 subsequent compliance years. The carryforward may not be double-counted.
- (10) Except as provided in subsections (11) and (12), if a public utility or competitive electricity supplier is unable to meet the standards established in subsections (2) through (4) in any compliance year, ~~that public utility or competitive electricity supplier it~~ shall pay an administrative penalty, assessed by the commission, of \$10 for each megawatt hour of renewable energy credits that ~~the public utility or competitive electricity supplier it~~ failed to procure. A public utility may not recover this penalty in electricity rates. Money generated from these penalties must be deposited in the universal low-income energy assistance fund established in 69-8-412(1) (b).
- ~~(11) — Within 4 months following the end of each compliance year, A~~ public utility or competitive electricity supplier may petition the commission for a short-term waiver from full or partial compliance with the standards in subsections (2) through (4) and the penalties levied under subsection (10). The petition must demonstrate that the ~~:~~
- (11) public utility or competitive electricity supplier has undertaken all reasonable steps to procure renewable energy credits under long-term contract, but full compliance cannot be achieved either because:
- (a) renewable energy credits cannot be procured ~~or for~~;
  - (b) full compliance would cause the public utility or competitive electricity supplier to exceed the cost caps in 69-3-2007;
  - ~~(a)~~ other legitimate reasons that are outside the control of the public utility or competitive electricity supplier; or
  - (c)

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- | ~~(b)~~(d) integration of additional eligible renewable resources into the electrical grid will clearly and demonstrably jeopardize the reliability of the electrical system and that the public utility or competitive electricity supplier has undertaken all reasonable steps to mitigate the reliability concerns.
- (12)
- (a) Retail sales made by a competitive electricity supplier according to prices, terms, and conditions of a written contract executed prior to April 25, 2007, are exempt from the standards in subsections (2) through (4).



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- (b) The exemption provided for in subsection (12)(a) is terminated upon modification after April 25, 2007, of the prices, terms, or conditions in a written contract.

**History:** En. Sec. 4, Ch. 457, L. 2005; Sec. [69-8-1004](#), MCA 2005; redes. [69-3-2004](#) by Sec. 1, Ch. 220, L. 2007; amd. Sec. 2, Ch. 246, L. 2007; amd. Sec. 18, Ch. 491, L. 2007; amd. Sec. 1, Ch. 31, L. 2009; amd. Sec. 33, Ch. 19, L. 2011.

### **69-3-2005. Procurement -- cost recovery -- reporting.**

- (1) In meeting the requirements of this part, a public utility shall:
- (a) conduct renewable energy solicitations under which the public utility offers to purchase renewable energy credits, either with or without the associated electricity, under contracts of at least 10 years in duration;
  - (b) consider the importance of geographically diverse rural economic development when procuring renewable energy credits; and
  - (c) consider the importance of dispatch ability, seasonality, and other attributes of the eligible renewable resource contained in the commission's supply procurement rules when considering the procurement of renewable energy or renewable energy credits.
- (2) A public utility that intends to enter into contracts of less than 10 years in duration shall demonstrate to the commission that these contracts will provide a lower long-term cost of meeting the standard established in 69-3-2004.
- (3)
- (a) Contracts signed for projects located in Montana must require all contractors to give preference to the employment of bona fide Montana residents, as defined in 18-2-401, in the performance of the work on the projects if the Montana residents have substantially equal qualifications to those of nonresidents.
  - (b) Contracts signed for projects located in Montana must require all contractors to pay the standard prevailing rate of wages for heavy construction, as provided in 18-2-414, during the construction phase of the project.
- (4) All contracts signed by a public utility to meet the requirements of this part are eligible for advanced approval under procedures established by the commission. Upon advanced approval by the commission, these contracts are eligible for cost recovery from ratepayers, except that nothing in this part limits the commission's ability to subsequently, in any future cost-recovery proceeding, inquire into the manner in which the public utility has managed the contract and to disallow cost recovery if the contract was not reasonably administered.
- (5) A public utility or competitive electricity supplier shall submit renewable energy procurement plans to the commission in accordance with rules adopted by the commission. The plans must be submitted to the commission on or before:
- (a) June 1, 2013, for the standard required in 69-3-2004(4); and
  - (b) any additional future dates as required by the commission.
- (6) A public utility or ~~competitive~~ electricity supplier shall submit annual reports, in a format to be determined by the commission, demonstrating compliance with

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this part for each compliance year. The reports must be filed by **March** 1 of the year following the compliance year.

- (7) For the purpose of implementing this part, the commission has regulatory authority over competitive electricity suppliers.

**History:** En. Sec. 5, Ch. 457, L. 2005; Sec. [69-8-1005](#), MCA 2005; redes. [69-3-2005](#) by Sec. 1, Ch. 220, L. 2007; amd. Sec. 3, Ch. 246, L. 2007; amd. Sec. 2, Ch. 232, L. 2009; amd. Sec. 17, Ch. 277, L. 2009.