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## Energy and Telecommunications Interim Committee 62nd Montana Legislature

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DAWN FIELD, Secretary

May 25, 2012

Public Service Commission  
1701 Prospect Avenue  
P.O. Box 202601  
Helena, MT 59620-2601

Re: Authority to Issue Certificates under Montana's Major Facility Siting Act

Dear Public Service Commissioners:

At the Energy and Telecommunications Interim Committee's May 17 meeting, members discussed the letter sent by the Public Service Commission (PSC) on May 7 regarding legislation transferring the determination of "need" in the Major Facility Siting Act from the Department of Environmental Quality (DEQ) to the PSC. The committee would like to thank you for inquiring with the ETIC on this very important topic before moving ahead with a legislative proposal.

The ETIC does not support shifting the determination of public interest, convenience, and necessity as required in 75-20-301, MCA, from the DEQ to the PSC. The committee does not feel it would be a worthwhile use of time for the PSC to explore such legislation.

The committee notes that DEQ's current rules, as outlined in ARM 17.20.1604 and 17.20.1606, outline a logical and thorough process for making a determination. This detailed rulemaking, along with the expertise on this subject within the DEQ, makes that agency the most qualified entity for making determinations. The PSC, in accordance with 75-20-216(6), is required to report to the DEQ "information relating to the impact of the proposed site on each department's area of expertise. The report may include opinions as to the advisability of granting, denying, or modifying the certificate." The PSC is encouraged to utilize this reporting requirement and, when necessary, become more involved in the DEQ process.

The ETIC thanks the PSC for its inquiry and respects the Commission's dedication to ensuring regulated public utilities provide adequate service at reasonable rates.

Respectfully,

Handwritten signature of Alan Olson in cursive.

Sen. Alan Olson  
Chairman

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