



ADMINISTRATIVE RULES OF MONTANA



38.5.1910 ACCESS TO AVOIDED COST DATA AND MODELING

- (1) Upon a request from a qualifying facility, a utility shall provide the information required by ARM 38.5.1908(2).
- (2) The utility must provide an initial avoided cost calculation within 21 days of receipt of a qualifying facility's resource information, including generating technology, size, location, and production profile, at no cost to the qualifying facility.
- (3) Upon a request from a qualifying facility, the utility must provide all data, inputs, and assumptions it will use to calculate avoided costs. The utility must provide additional data and information that the qualifying facility may reasonably request to calculate avoided costs with the qualifying facility's preferred methodology.
- (4) If any party uses a proprietary model to calculate avoided costs, the following rules apply:
 - (a) Each party may request one calculation using another party's model with customized inputs and assumptions, at no cost to the requesting party. The responding party must make the results accessible to the requesting party within 21 days of the request. The requesting party must have adequate access to the model to verify that the customized inputs and assumptions were used. Such access must be provided for at least 21 days.
 - (b) Each party must accommodate reasonable requests to conduct additional avoided cost calculations using the party's proprietary model and may charge the requesting party a reasonable price for the use of the model beyond the single avoided cost calculation identified in (4)(a).
 - (c) Nothing in this rule shall require a party that uses proprietary modeling software to provide copies of proprietary modeling software or source code to the requesting party.
- (5) Any party may seek sanctions for failure to adhere to this rule, including fines pursuant to 69-3-206 and 69-3-209, MCA, as applicable.

Authorizing statute(s): 69-3-103, 69-3-604, MCA

Implementing statute(s): 69-3-102, 69-3-604, MCA

History: NEW, 2018 MAR p. 1298, Eff. 7/7/18; AMD, 2022 MAR p. 1919, Eff. 9/24/22.