



ADMINISTRATIVE RULES OF MONTANA

38.5.8228 MINIMUM FILING REQUIREMENTS FOR UTILITY APPLICATIONS FOR APPROVAL OF ELECTRICITY SUPPLY RESOURCES

- (1) If a utility intends to file an application for approval of a electricity supply resource that is not yet procured, it must notify the commission and the Montana Consumer Counsel far enough in advance of filing to accommodate adequate pre-filing communication. If the resource will result from a competitive solicitation, notice must be provided before the utility issues a request for proposals.
- (2) An application by a utility for approval of a electricity supply resource must include, as applicable:
 - (a) a complete and thorough explanation and justification of all changes to the utility's most recent long-term resource plan and three year action plan, including how the utility has responded to all commission written comments;
 - (b) a statement explaining whether the application pertains to a power purchase agreement with an existing generating resource, a lease or acquisition of an equity interest in a new or existing generating resource, or a power purchase agreement for which approval will result in construction of a new generating resource;
 - (c) testimony and supporting work papers describing the resource and stating the facts (not conclusory statements) that show that acquiring the resource is in the public interest and is consistent with the requirements in 69-3-201 and 69-8-419, MCA, the utility's most recent long-term resource plan (as modified by (2)(a)), and these rules;
 - (d) testimony and supporting work papers demonstrating the utility's estimates of the cost of the resource compared to the cost of each alternative resource the utility considered and all relevant functional differences between each alternative;
 - (e) testimony and supporting work papers demonstrating the implementation of cost-effective carbon offsets for a electricity supply resource fueled primarily by natural or synthetic gas constructed after January 1, 2007;
 - (f) testimony and supporting work papers demonstrating the capture and sequestration of 50% of the carbon dioxide produced by a electricity supply resource fueled primarily by coal constructed after January 1, 2007;
 - (g) a copy of the proposed power purchase agreement, including all appendices and attachments;
 - (h) a copy of any request for proposals issued in connection with acquisition of the electricity supply resource;

- (i) testimony and supporting work papers comparing all bids received in connection with any request for proposals with respect to price and nonprice factors;
- (j) testimony and work papers describing all due diligence and bid evaluation in connection with any request for proposals, including the ranking of bids and reliance on management judgment;
- (k) thorough explanation and justification for any terms, other than price, quantity, and contract duration, in a power purchase agreement for which the utility is requesting approval;
- (l) a complete description of each aspect of the resource for which the utility requests approval; and
- (m) testimony and supporting documentation describing all pre-filing communication.

Authorizing statute(s): 69-8-403, 69-8-419, MCA

Implementing statute(s): 69-8-403, 69-8-419, MCA

History: NEW, 2003 MAR p. 2894, Eff. 12/25/03; AMD, 2008 MAR p. 575, Eff. 3/28/08.