



ADMINISTRATIVE RULES OF MONTANA



38.5.2610 UTILITY NOTICE TO CONSUMERS

- (1) Public utilities, transmission service providers, distribution service providers, and other providers of utility services regulated by the commission, on filing with the commission an application for approval of a proposed initial tariffed rate or change in existing tariffed rates, must notify each current utility consumer subscribing to services which may be affected by the proposed change. Proposed changes in rates which are exempt from this notice requirement and a waiver procedure for proposed changes not specifically exempt are identified below.
- (2) Notice required by this rule must be in writing and provided to each affected consumer within 60 days following the filing of the application for a proposed change with the commission. Notice may be through a bill message, bill insert, or separate mailing. A copy of the notice sent to consumers must be provided to the commission when utility notice to consumers is complete. In the event circumstances would otherwise allow the commission to issue a final order on an application for a proposed change, the commission will not issue a final order until at least 10 days following utility notice to the affected consumers.
- (3) The notice shall inform consumers:
 - (a) of the effect the proposal may have on rates;
 - (b) of the amount of the change proposed, in percentage change compared to the existing rate or in dollars and cents per measured service or commodity unit supplied and per month or other billing cycle per unmeasured service or rate component;
 - (c) of the reason for the proposed change;
 - (d) that, if required by law or permissible in the commission's discretion, a hearing on the proposal may be held before the commission upon request to the commission by any person directly affected;
 - (e) that the time and location of any hearing on the proposal will be available from the commission (telephone number included) as soon as a hearing is scheduled; and
 - (f) that the consumer counsel (telephone number included) is available to represent consumer interests regarding the proposal.
- (4) Except as the commission may otherwise direct the utility within 60 days of the filing of an application for approval of a proposed rate, the following proposals are exempt from the requirements of this rule:
 - (a) rate decreases;
 - (b) initial tariffed rates for new non-basic services which are optional to consumers;

- (c) rate increases for existing non-basic services which are optional to consumers;
 - (d) rate increases based on commission-approved commodity cost tracking and adjustment procedures;
 - (e) changes not required by law to be made only after hearing or an opportunity for hearing;
 - (f) detariffed services;
 - (g) pass throughs of federal- or state-mandated initial rates or rate increases;
 - (h) rates of small telecommunications providers, defined at 69-3-901, MCA, proceeding pursuant to 69-3-903, MCA;
 - (i) interLATA interexchange rates; and
 - (j) carrier to carrier (wholesale) rates.
- (5) A public utility, transmission service provider, distribution service provider, or other provider of utility services regulated by the commission, may request the commission grant a one-time or permanent waiver for other specific types of initial tariffed rates and changes which may be proposed to existing tariffed rates. The request shall clearly identify the type of change for which waiver is requested and the reason why it should not be subject to this rule. The request must be filed no less than 60 days prior to an application for a change to which the waiver would apply. All waivers granted, whether the grant expressly states or not, are subject to the commission otherwise directing within 60 days of the filing of an application to which the waiver applies.

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

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

History: NEW, 1998 MAR p. 2968, Eff. 11/6/98.