



ADMINISTRATIVE RULES OF MONTANA



38.5.2024 RESOURCE PROCUREMENT

- (1) A utility's resource procurement processes shall be guided by the policy in 69-3-1202, MCA, input from the public and the advisory committee provided for in 69-3-1208, MCA, and comments of the Commission on the utility's most recent resource plan.
- (2) Utilities shall use transparent, independently administered competitive solicitations to acquire needed resources whenever practicable, subject to 69-3-1207, MCA, and the Commission's rules. Utilities shall document decisions regarding the types of procurement processes used for later submission in applications for rate recovery where the prudence of procurement processes and resource decisions is examined.
- (3) A utility shall notify the Commission of a decision to issue a competitive solicitation. The notice shall precede release of a draft of the solicitation by at least 20 days. Before issuing the solicitation, the utility shall submit a draft of the solicitation to the Commission in accordance with 69-3-1207, MCA, with a thorough description of the input and recommendations of the advisory committee regarding the solicitation process and how the utility modified the solicitation process in response to the advisory committee's input and recommendations or, alternatively, the basis for not modifying the process. Upon notification of a utility's intent to issue a solicitation, the Commission will open a docket for purposes of receiving the draft solicitation and accepting public comment on the draft solicitation. The Commission shall provide notice to the public of the receipt of the draft solicitation and provide 45 days for interested persons to file written comments. The utility shall not issue the final solicitation until at least 70 days after submitting the draft solicitation. Upon issuing the final solicitation, the utility shall concurrently submit the solicitation to the Commission in the docket assigned to the draft solicitation.
- (4) A utility shall provide all proposed and final scoring criteria and metrics in the draft and final competitive solicitations filed with the Commission.
- (5) Utilities shall consider the usefulness of competitive solicitations for identifying and acquiring demand-side and distribution-side resources, but should also leverage their unique knowledge of their customers' demand characteristics to evaluate cost-effective resource potential and design programs for acquisition.

Authorizing statute(s): 69-3-1204, MCA

Implementing statute(s): 69-3-1204, 69-3-1205, 69-3-1207, 69-3-1208, 69-3-1209, MCA

History: NEW, 2023 MAR p. 21, Eff. 1/14/23.