

BEFORE THE UTILITY DIVISION
DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

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IN THE MATTER of the application) DOCKET NO. 6313
of I. L. "BUD" MORRIS for electric)
service.) ORDER NO. 4204
)
)

On May 23, 1975, a public hearing in this matter was conducted in the conference room of the Commission. At this hearing, the Montana Power Company, by its attorney J. J. Burke, moved to dismiss the complaint.

EVIDENTIARY RULINGS

1. All rulings on objections to evidence made at the public hearing in this matter, and contained in the record, are adopted by reference.
2. Any objections to evidence not ruled upon at the hearing are denied.

FINDING OF FACT

1. I. L. "BUD" MORRIS, (applicant) has applied to the Montana Power Company for electric service to his sawmill, located West of Helena, and has petitioned the Commission for an order requiring such service supplied on a fair and reasonable basis.

2. The Montana Power Company is an electric, water, and natural gas utility doing business in the State of Montana under the regulatory jurisdiction of this Commission.

3. At a public hearing conducted May 23, 1975, in Helena, Montana, petitioner presented evidence tending to show that his electricity requirements would be at a relatively constant level for some years to come.

4. The evidence produced at the hearing did not indicate that sawmills as a class

were businesses of uncertain duration.

5. Applicant has a good credit rating in his other contracts with utilities in Montana and his other milling operations have not been of uncertain duration.

6. Applicant has a five year contract to cut railroad ties for Burlington Northern. He also has contracts to take lumber in the Helena area that will give him sufficient stumpage to meet the BN contract.

7. The evidence does not substantiate the utility's treatment of applicant's sawmill as a business of uncertain duration.

8. Applicant's mill is located in an area near Helena that is growing and the installation of three-phase capacity in the area to serve applicant will benefit customers in the area other than applicant.

CONCLUSIONS OF LAW

1. Montana Power Company Electric Service Regulation 5-7, which states that the "utility may require customer to advance entire cost of installing facilities used in rendering such service," is not a grant of absolute discretion, but is qualified by the public utility's common law duty to render service to all customers on a non-discriminatory basis.

2. The Montana Power Company cannot, under this regulation, act arbitrarily or discriminatory, but must consider all relevant facts in exercising its discretion before it can require a customer to advance the entire cost of service facilities.

3. The Public Service Commission, under its general regulatory authority, has an over-riding duty to see that all customers are treated fairly and without discrimination.

DONE IN OPEN SESSION at Helena, Montana, by a 5 - 0 vote, on June 16, 1975.

BY ORDER OF THE PUBLIC SERVICE COMMISSION:

GORDON E. BOLLINGER, Chairman

P.J. GILFEATHER, Commissioner

THOMAS G. MONAHAN, Commissioner

JAMES R. SHEA, Commissioner

GEORGE TURMAN, Commissioner

ATTEST:

GAIL E. BEHAN
Secretary

(SEAL)

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing within thirty (30) days from the service of this order, a petition for review pursuant to Section 82-4216, R.C.M.1947.