

BEFORE THE UTILITY DIVISION

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

IN THE MATTER OF the Petition of THE	)	UTILITY DIVISION
MONTANA POWER COMPANY for Increased	)	
Rates and Charges in Gas and Electric Service.	)	DOCKET NO. 6348
	)	ORDER NO. 4220B
	)	<u>Temporary Rate Order</u>
	)	

A public hearing on the Petition of The Montana Power Company (MPC or Applicant) for an increase in rates and charges for natural gas and electric service began in Helena on October 20, 1975. Over forty days of hearing were conducted, the final phase of hearing terminating on February 13, 1976. Consolidated with the MPC Petition for purposes of hearing was the Montana Consumer Counsel's Petition for an electric rate decrease. On July 26, 1976, MPC filed a Motion for temporary rate increases in gas and electric service, together with a Petition to present additional testimony in this Docket, which testimony allegedly would have shown the need for immediate rate relief.

The July 26 Petition was denied because the proposed testimony would have resulted in a reopening of the evidentiary record in this Docket, and because the testimony would have been irrelevant and prejudicial as it would have dealt with post-test year data.

The above-mentioned Motion was set for argument on August 12, 1976. At that time the Applicant, by argument of its Counsel, discussed the merits of the testimony of various parties in this proceeding in seeking immediate rate increases. Applicant also made an offer of proof, which consisted of the affidavits of J. J. Harrington and J. W. Heidt and which was allegedly "submitted for the sole purpose of establishing the necessity of prompt Commission action on the Motion for temporary rate increases." The offer of proof was rejected by Commission ruling as it violated the Commission's minute entry of July 27, 1976, limiting the August 12, 1976, hearing to legal argument, and because the material contained therein was irrelevant to any issue in this Docket.

This Order deals with Applicant's Motion for temporary rate increases, as well as the Petition of the Consumer Counsel for an electric rate decrease.

APPEARANCES:

ROBERT D. CORETTE, Attorney at Law, 40 East Broadway, Butte, Montana, appearing on behalf of the Applicant.

JOHN J. BURKE, Attorney at Law, 40 East Broadway, Butte, Montana, appearing on behalf of the Applicant.

MARK A. CLARK, Attorney at Law, 40 East Broadway, Butte, Montana, appearing on behalf of the Applicant.

PROTESTANTS:

GEOFFREY L. BRAZIER, Montana Consumer Counsel, 34 West Sixth Avenue, Helena, Montana, appearing on behalf of the consuming public of the State of Montana.

WILLIAM E. O'LEARY, Attorney at Law of the firm of Risken and O'Leary, P. O. Box 225, Helena, Montana, appearing for the Montana Consumer Counsel.

INTERVENORS:

WILLIAM G. STERNHAGEN, Attorney at Law, 1625 Eleventh Avenue, Helena, Montana, appearing on behalf of the Anaconda Company.

JAMES A. ROBISCHON, Attorney at Law of the firm of Poore, McKenzie, Roth, Robischon and Robinson, Suite 400, Silver Bow Block, Butte, Montana, appearing on behalf of the Anaconda Company.

TOM BURTON, Attorney at Law, P. O. Box 2197, Houston, Texas, appearing on behalf of Continental Oil Company.

C. W. LEAPHART, JR., Attorney at Law, 1 Last Chance Gulch, Helena, Montana, appearing on behalf of Hoerner-Waldorf Company.

C. S. McCracken, Attorney at Law, 302 Great Falls National Bank Building, Great Falls, Montana, appearing on behalf of Great Falls Gas Company.

ALAN F. CAIN, Attorney at Law of the firm of Hughes, Bennett and Cain, P. O. Box