

Service Date: December 11, 1978

FINAL ORDER NO. 4469

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	
of PACIFIC POWER & LIGHT COMPANY)	DOCKET NO. 6593
for authority to establish)	ORDER NO. 4469
increased rates for electric)	
service in the State of Montana.)	

FINDINGS OF FACT

1. The Pacific Power and Light Company is a privately owned utility furnishing electric service to consumers in Montana.

2. The Public Service Commission has jurisdiction over the rates and charges for, and the conditions under which, utility service is rendered in Montana.

3. On June 28, 1978, Pacific Power and Light Company filed with the commission an application for authority to adopt new rates and charges for electric service furnished by the company in the State of Montana.

4. On November 17, 1978, Pacific Power and Light Company moved the Commission for an order indefinitely continuing the evidentiary hearing in this docket, which was scheduled to begin on November 28, 1978.

5. On November 20, 1978, the Commission, by minute entry, granted the motion, subject to the company waiving unconditionally the nine month deadline by which the Commission is required to render a final decision under Section 70-113, R.C.M. 1947.

6. On November 21, 1978 Geoffrey L. Brazier, Montana Consumer Counsel, filed a Motion to Dismiss this proceeding, citing various reasons, including the lack of certainty regarding "whether a waiver of the time limits for final decision provided by Montana law in utility rate-making cases would be binding upon or recognized by a court of law."

7. The Commission finds that the Montana Consumer Counsel has given good reasons for dismissal of this case.

CONCLUSIONS OF LAW

1. The terms of the nine month deadline within which the Commission must render a final decision are mandatory. Section 70-113, R.C.M. 1947.

2. It is uncertain whether grant of an indefinite continuance in this case, thereby in all likelihood resulting in a final decision rendered more than nine months after application, is contrary to the legislative intent of Section 70-113, R.C.M. 1947.

ORDER

The Application of Pacific Power and Light Company, for an increase in its rates for electric service is DENIED WITHOUT PREJUDICE.

DONE AND DATED this 4th day of December, 1978.

BY ORDER OF THE PUBLIC SERVICE COMMISSION.

GORDON E. BOLLINGER, Chairman

JAMES R. SHEA, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Madeline L. Cottrill
Commission Secretary

P.J. GILFEATHER, Commissioner

(SEAL)

GEORGE TURMAN, Commissioner

NOTE: You are entitled to judicial review of the final decision in this matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of this order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 82-4216, R.C.M. 1947; and Commission Rules of Practice and Procedure, esp. 38-2.2(64)-P2750, ARM.