

Service Date: July 1, 1981

FINAL ORDER NO. 4792a

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Investigation of) UTILITY DIVISION a
\$1,000 Hook-up Fee and Main Extension) DOCKET NO. 80.12.106
policies of the City of Hardin.) ORDER NO.4792a

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This Investigation was undertaken by the Commission as explained in Commissioner Thomas J. Schneider's Proposed Order No. 4792. The City of Hardin moved for an addition of sixty days to the time set in the Commission rules for filing exceptions. Due to a combination of factors the Commission must deny this motion. Two perspectives exist on the question of a hook-up fee. Looking to the past, it is clear that the City's practice of charging the \$1,000 fee was not justified, and no amount of further argument can change the fact that the City had no tariff on file for the charge. As far as the future, the City also failed to carry its burden of proof on the extant record, that the future application of such charge is justified. While the City certainly has the right to request that the Commission consider further evidence on this matter, the immanent effective date of Ch. 607 L. 1981, as well as the Commission's legitimate desire to maintain manageable dockets mandate that the Commission issue a Final Order at this time This is done without prejudice to the City's option of filing a future case that seeks approval of a prospectively-applied hook-up charge.

ORDER

NOW THEREFORE, at a session of the Public Service Commission,
Department of Public Service Regulation of the State of

Montana, held in its offices at 1227 11th Avenue, Helena, Montana, on the 30th day of June, 1981, there being present a quorum of commissioners, there came regularly before the Commission for final action the matters and things in Docket No. 80.12.106, and the Commission being fully advised in the premises)

IT IS ORDERED by the Commission that the City of Hardin discontinue its practice of charging a \$1,000 hook-up fee.

IT IS FURTHER ORDERED that the City of Hardin rebate the hook-up fee to each customer who paid it and can be located. The City may make the rebates immediately in the full amount or in monthly installments over a six (6) month period commencing July 1, 1981.

IT IS FURTHER ORDERED, that the City of Hardin hook-up all customers within its service area. The City is not required to alter its service area boundaries.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class United States mail to all appearances herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of The State of Montana, Public Service Commission, and incorporates proposed Order 4792 by reference.

DONE IN OPEN SESSION at Helena, Montana, this 30th day of June, 1981, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

GORDON E. BOLLINGER, Chairman

JOHN B DRISCOLL, Commissioner

HOWARD L. ELLIS, Commissioner

CLYDE JARVIS, Commissioner

THOMAS J. SCHNEIDER, Commissioner

ATTEST:

Madeline L. Cottrill
Commission Secretary

(SEAL)

NOTE: You may be 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. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38.2.4806 ARM.