

Service Date: April 22, 1992

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER of the Applications for)	UTILITY DIVISION
Approval of (A) the General Filing of)	
Pacific Power & Light Company in)	
Demonstration of One Test Year as a)	
Merged Company and (b) Proposed New)	
Tariff, Schedule No. 47T, on the PP&L/)	DOCKET NO. 90.11.78
Champion International Inc. Electric)	
Service Contract.)	ORDER NO. 5538h

ORDER SETTING FINAL REFUND AMOUNT

BACKGROUND

On March 4, 1992 the Montana Public Service Commission (Commission) issued Order No. 5538g in this Docket on Schedule 47T, Partial Requirement Service Tariff. In this order, the Commission accepted and approved the Stipulation of Champion International, Inc. and Pacificorp, dba Pacific Power & Light Company (Champion and PP&L, respectively), and directed PP&L to file Schedule 47T as stipulated.

In Order No. 5538g, the Commission directed PP&L to refund to Champion the over-collection based on the difference between the rates and charges of the initially Proposed Schedule 47T and Schedule 47T as stipulated and approved.

The Commission calculated the amount of refund due from April 20, 1990 through October, 1991 to be \$80,912. The Commission directed PP&L and Champion to calculate the remaining amount of refund due Champion, based on Schedule 47T as approved. FOF #98, Order No. 5538g.

On March 30, 1992 PP&L filed its request for an order setting a total of \$108,399 as the appropriate refund amount due to Champion based on the approved Partial Requirements Schedule 47T. PP&L calculated this amount as the sum of \$80,912 for billing months May, 1990 through October, 1991 (Order No. 5538g) and \$27,912 for billing months November, 1991 through March, 1992. Schedule 47T as stipulated and filed starts with usage beginning February 29, 1992 to begin use in calculating Champion's April, 1992 bill, forward.

FURTHER FINDINGS AND DISCUSSION

The Commission finds that Montana Consumer Counsel (MCC) and Champion International have been notified of the calculations of refund and of the Commission's work session scheduled for April 10, 1992 to determine the final refund amount.

The Commission further finds, based on Schedule 47T as stipulated and filed, that the proposed refund of \$108,399 is the appropriate amount and correctly calculated.

CONCLUSIONS OF LAW

The Montana Public Service Commission is invested with supervision and regulation of public utilities, subject to the provisions of Title 69, Chapter 3, Montana Code Annotated (MCA). § 69-3-102, MCA.

Applicant Pacific Power & Light Company is a public utility subject to the Commission's jurisdiction over its operations in Montana. § 69-3-101, MCA.

The Montana Public Service Commission is empowered to do all things necessary and convenient in the exercise of the powers conferred by Title 69. § 69-3-103, MCA.

The Montana Public Service Commission has the jurisdiction to order refunds or credits of rates or charges over-collected or not collected in accordance with printed schedules in force at the time service was provided. §§ 69-3-305(1)(a), (2) and (3), MCA.

The Montana Public Service Commission concludes, as a matter of law, that Stipulated Schedule 47T is the appropriate printed schedule on which the Electric Service Contract is based, effective from the date of the Contract April 20, 1990.

ORDER

WHEREFORE, The Montana Public Service Commission hereby orders Pacific Power & Light to refund \$108,399 to Champion International, Inc. as over-collection on Schedule 47T, Partial Requirements Service, for billing months May, 1990 through March, 1992.

Done and Dated this 10th day of April, 1992 by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DANNY OBERG, Chairman

WALLACE W. "WALLY" MERCER, Vice Chairman

BOB ANDERSON, Commissioner

JOHN B. DRISCOLL, Commissioner

TED C. MACY, Commissioner

ATTEST:

Ann Peck
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.