

Service Date: Sept. 30, 1992

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

\* \* \* \* \*

IN THE MATTER of the Petition of ) UTILITY DIVISION  
Billings Generation, Inc. to )  
Determine Conditions Under a Power ) DOCKET NO. 92.8.39  
Purchase Agreement with Montana )  
Power Company. ) ORDER NO. 5648a

ORDER ON RECONSIDERATION

On August 4, 1929 Billings Generation, Inc. (BGI) filed a Petition with the Montana Public Service Commission (Commission) to resolve a dispute between BGI and Montana Power Company over the interpretation of a power purchase agreement. On August 26, 1992 MPC filed a motion to dismiss the petition on the grounds that the Commission does not have subject matter jurisdiction. On September 11, 1992 the Commission issued Order No. 5468 denying MPC's motion. On September 22, 1992 MPC filed a motion to reconsider Order No. 5648.

The Commission has carefully considered MPC's brief in support of the motion and concludes that it contains no basis to justify modifying the initial decision. Consequently, MPC's motion is denied.

CONCLUSION OF LAW

The Commission has the jurisdiction to determine conditions in a power purchase agreement for the sale of electricity from a qualifying small power production facility to a public utility. Secs. 69-3-603 - 604, MCA.

ORDER

Montana Power Company's Motion to Reconsider Order No. 5648 is Denied.

Done and Dated this 30th day of September, 1992 by a vote of 4-1.

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  
(Voting to Dissent)

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

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