

Service Date: October 6, 1999

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

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IN THE MATTER of the Pass Through of Fees)	UTILITY DIVISION
Levied on Regulated Companies for Funding the)	DOCKET NO. D99.9.220
Department of Public Service Regulation.)	ORDER NO. 6200

FINAL ORDER

1. Section 69-1-402, MCA, provides for funding the Department of Public Service Regulation by a fee on all regulated companies (as defined in § 69-1-401(2), MCA). The Department of Revenue has notified the Public Service Commission (PSC) of the tax rate which will be effective for the period beginning October 1, 1999 and ending September 30, 2000. Section 69-1-403(4), MCA, requires that the PSC "by separate order authorize each regulated company to fully recover in its rates and charges, on an annual basis, the fees levied. . . ." This Order is being issued pursuant to that requirement.

2. Order No. 6109, issued October 22, 1998, authorized regulated companies to increase rates and charges for an annual period from October 1, 1998 through September 30, 1999. The authorized rate during that period was .25 percent (.0025).

3. The applicable rate for the tax period beginning October 1, 1999 remains .25 percent (.0025). In order to permit full recovery of the PSC fees, it is the PSC's intention to permit all regulated companies affected by this Order to reflect this tax rate in their revenue requirements as of October 1, 1999.¹

4. As necessary, all regulated companies that pay the PSC fee may file tariffs reflecting the .25 percent tax rate. Companies collecting the .25 percent rate authorized in Order No. 6109 will not be required to change their rates or file new tariffs.

¹ "[R]egulated companies affected by this Order" means those companies that are rate regulated by the PSC. Other companies regulated "in any manner" (. 69-1-401(2), MCA) by the PSC are subject to the MCC tax but do not need special authorization to recover the tax in their prices.

5. On September 30, 1999 the authorization granted to regulated companies by Order No. 6109 to recover the former tax rate of .25 percent (.0025) will expire. Because the new rate represents no change from the current rate, those regulated companies whose current tariffs are premised in part upon this rate are not required to file new tariffs reflecting the expiration of this authorization. It is assumed that these companies will continue to implement the .0025 tax rate. For rate regulated companies the filing of tariffs reflecting the rate authorized by this Order is permissive, not mandatory. Regulated companies may choose not to recover the PSC tax in cases where the amount to be recovered would not justify submitting new tariffs. A rate regulated company may choose to defer implementing tariffs reflecting the tax until a later date (e.g., to coincide with other tariff changes). It should be noted, however, that the revenue requirement may not be accumulated unless otherwise authorized by the PSC.

7. This Order is issued after the expiration of Order No. 6109, and after the effective date (October 1, 1999) of the new .25 percent tax rate. Therefore, rate regulated companies that have not been recovering the .25 percent tax rate authorized by Order No. 6109, and now want to recover the .25 percent tax authorized by this Order, may file tariffs calculated to reflect the .25 percent in revenue requirement from October 1, 1999 to the date new tariffs are filed, not later than December 1, 1999.

8. It is the PSC's intention that all regulated services of a regulated company absorb the rate increase proportionately to that service's contribution to the total gross operating revenue generated by the regulated activities within this state. As limited exceptions to this general approach, however, the floors in "flexible band" tariffs need not be exceeded and special market-based rates need not be increased.

CONCLUSIONS OF LAW

1. Pursuant to §§ 69-3-102, 69-3-801 through 69-3-862, 69-3-1401 through 69-3-1409, 69-8-101 through 69-8-503, 69-12-201, 69-13-201, and 69-14-111, MCA, the Montana Public Service Commission has jurisdiction over regulated companies as defined at § 69-1-401, MCA.

2. The Public Service Commission is required by § 69-1-403(4), MCA, to allow immediate recovery of the regulated utility fee by each affected company in its rates and charges on an annual basis.

3. This Order does not apply to companies not rate regulated by the PSC.

4. The increased revenue requirement approved herein is a reasonable means of complying with § 69-1-402 et seq., MCA.

ORDER

As necessary, regulated companies as defined at § 69-1-401, MCA, are authorized to file tariffs reflecting increased rates and charges effective October 1, 1999, consistent with the Findings of Fact in this Order. This authorization is permissive, not mandatory and effective dates may, at the companies' discretion, be after October 1, 1999.

Tariffs must be filed within fifteen (15) days of their proposed effective date if the effective date is after the service date of this Order. If the effective date is prior to the service date of this Order, tariffs must be filed by December 1, 1999..

DONE AND DATED this 5th day of October, 1999 by a vote of 3-1.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chairman

NANCY MCCAFFREE, Vice Chair, Dissenting

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

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