

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

In the matter of the adoption of New Rule I regarding advanced metering opt-out) NOTICE OF PUBLIC HEARING ON
) PROPOSED ADOPTION
)

TO: All Concerned Persons

1. On February 23, 2021, at 1:30 p.m., the Department of Public Service Regulation, Public Service Commission (department) will hold a virtual public hearing to consider the proposed adoption of the above-stated rule. The hearing will be livestreamed at <http://psc.mt.gov/livestream>. Parties seeking to participate in the hearing must contact the department at 1-800-646-6150, by 5 p.m., February 22, 2021, to receive the necessary call-in information for the hearing.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m. on February 19, 2021. Please contact Katy Gordon, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6150; TDD/Montana Relay Service (406) 444-4212; or e-mail Katy.Gordon@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I ADVANCED METERING OPT-OUT PROVISIONS (1) An electric utility shall provide customers with the option to remove an installed advanced meter device and replace it with a traditional meter, or to decline installation of an advanced meter device and retain a traditional meter, as guided by a cost-based, tariffed opt-out service.

(2) Prior to installation of an advanced meter device, the utility shall give written notice to the customer at least 60 days in advance.

(3) The electric utility shall notify the customer of the following if a customer expresses interest in using a traditional meter:

(a) The customer will be required to pay the amount of the approved tariff charge, if applicable.

(b) The electric utility shall explain the facts concerning advanced meters and attempt to address any customer concerns prior to signing up a customer for advanced meter opt-out service. To the extent that the electric utility offers multiple options for the customer to obtain or retain either an advanced meter or a traditional meter, the utility shall explain each option and the associated costs and give the customer choice over the option selection.

(4) The electric utility shall file a proposed tariff for opt-out service at least 120 days prior to the installation of advanced metering devices.

(5) A utility shall address circumstances unique to the utility in its tariff application, including what fees, if any, should be charged to recover costs, such as

the removing an existing advanced meter and the subsequent installation of a traditional meter, or costs associated with providing meter reading and billing services associated with the use of a traditional meter.

AUTH: 69-2-101, 69-2-102, 69-3-103, 69-3-203, 69-3-321, 69-4-1001, 69-4-1002, 69-4-1003, 69-4-1004, MCA
IMP: 69-4-1004, MCA

REASON: In 2019, the Montana Legislature adopted House Bill 267, which was later codified as 69-4-1001 through 69-4-1004, MCA. Section 69-4-1004(2), MCA requires that the department adopt rules providing options and requirements for individual customers to opt out of advanced metering installation. The department received comments from affected parties; held two virtual public listening sessions on September 30, 2020 and October 7, 2020; and received written public comment prior to compiling this proposed rule. This proposed rule is reasonably necessary to implement the opt-out program.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Katy Gordon, Department of Public Service Regulation, 1701 Prospect Avenue, Helena, Montana, 59620-2601; telephone (406) 444-6150; fax (406) 444-7618; or e-mail Katy.Gordon@mt.gov, and must be received no later than 5:00 p.m., March 1, 2021.

5. The Montana Consumer Counsel, 111 North Last Chance Gulch, Suite 1B, Helena, MT 59620-1703, telephone (406) 444-2771, is available and may be contacted to represent consumer interests in this matter.

6. The commission, a commissioner, or a duly appointed presiding officer may preside over and conduct the hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in section 4 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted by email on January 14, 2021.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rule will not significantly or directly impact small businesses.

/s/ LUKE CASEY
Luke Casey
Rule Reviewer

/s/ JAMES BROWN
James Brown
Chair
Department of Public Service Regulation

Certified to the Secretary of State on January 19, 2021.

CERTIFICATE OF SERVICE

I certify that on the 1st day of February, 2021, a true and accurate copy of the foregoing document was served by email to the following:

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By: /s/ Amber Koop

Amber Koop

Administrative Support

Montana Public Service Commission