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# MISSOULIAN EDITORIAL: Bill limits right to know, participate in utility rate decisions

January 29, 2015 7:00 am

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Service Commission approves an increase in utility rates, but most of us accept that such increases are sometimes necessary to allow the efficient transmission of energy, water and other essential services that make use of public resources.

Montanans may grumble whenever the Montana Public

What Montanans ought not to accept is the possibility that the PSC may make these decisions without any public hearing or even a public notice.

Last week, a House committee narrowly approved a bill

that would accomplish exactly that. House Bill 42, sponsored by Republican Rep. Ed Greef of Florence, must not be allowed to go any further. It's a bad bill that would give the PSC free rein to make

knowledge. Under current requirements, whenever a rate increase is proposed the PSC must schedule a

decisions that directly affect the pocketbooks of Montanans without their say or even their

provided directly by the utilities themselves, perhaps by mailing that information along with their customers' bills. This notice would not provide hearing information, but merely inform customers of their opportunity to request a hearing.

hearing and provide proper public notice. HB 42 would allow "notice" of proposed increases to be

If the PSC received such a request, it would then schedule a hearing. If no one made a request, the PSC would simply proceed with its decision without any hearing.

There are several significant problems with this bill. The first is that it narrows the group of people who have an interest in rate increases down from the general public to only the customers of a particular utility. But there are many others who have an interest in — and a right to be informed of — changes in utility rates: property owners, tenants, government representatives, and education and advocacy organizations, to name just a few.

not necessarily follow that providing the opportunity for participation is therefore a waste of resources. Nor does it present any particular hardship for Montana's small utilities to participate in the hearing process.

It's true that many hearings before the PSC receive no public participation at all. However, it does

imagine the time and effort required to answer potentially hundreds of hearing requests. Further, the bill does not discriminate between large and small utilities. It would apply the same to

any utility regulated by the PSC, from NorthWestern Energy to Mountain Water Co.

Supposedly, the bill is meant to save PSC staff the time and effort of arranging a hearing, but just

Most importantly, the constitutionality of HB 42 is doubtful. Montana's Constitution contains strong right-to-know and right-to-participate provisions, and they are rights guaranteed to every Montanan — not only the customers of certain utilities. And these rights are not predicated in any

way on any requirement that members of the public make any special effort to request them.

HB 42 received a second reading in the House Federal Regulations, Energy and Telecommunications Committee this week. It's members ought to hear from the Montana public on this attempt to shut the Montana public out of utility rate decisions.

Missoulian editorial board: Publisher Mark Heintzelman, Editor Sherry Devlin, Opinion Editor Tyler Christensen.

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