



AN ACT REVISING THE DEFINITION OF A PUBLIC UTILITY; EXCLUDING THE DISTRIBUTION, DELIVERY, OR SUPPLY OF PROPANE TO CUSTOMERS FROM PUBLIC SERVICE COMMISSION REGULATION; AMENDING SECTION 69-3-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-3-101, MCA, is amended to read:

"69-3-101. Meaning of term "public utility". (1) The term "public utility", within the meaning of this chapter, includes every corporation, both public and private, company, individual, association of individuals, and their lessees, trustees, or receivers appointed by any court that own, operate, or control any plant or equipment, any part of a plant or equipment, or any water right within the state for the production, delivery, or furnishing for or to other persons, firms, associations, or corporations, private or municipal:

- (a) except as provided in subsection (2)(d), heat;
 - (b) street-railway service;
 - (c) light;
 - (d) except as provided in subsection (2)(d), power in any form or by any agency;
 - (e) except as provided in chapter 7, water for business, manufacturing, household use, or sewerage service, whether within the limits of municipalities or towns or elsewhere;
 - (f) regulated telecommunications service.
- (2) The term does not include:
- (a) privately owned and operated water, sewer, or water and sewer systems that do not serve the public;
 - (b) county or consolidated city and county water or sewer districts as defined in Title 7, chapter 13, parts 22 and 23;
 - (c) except as provided in chapter 7, municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44;

or

(d) the distribution, delivery, or supply of propane, except that propane distributed, delivered, or supplied through a pipeline system is subject to applicable pipeline safety regulations in accordance with 69-3-207; or
~~(d)~~(e) a person exempted from regulation as a public utility as provided in 69-3-111.

(3) For the purposes of this chapter, the distribution, delivery, or supply of propane includes the distribution, delivery, or supply of propane to customers, whether the distribution, delivery, or supply is through a pipeline system, from a tank farm, or by vehicle, unless a propane supplier expressly elects public utility status to gain access to public rights-of-way for the purposes of installing distribution pipelines."

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to the distribution, delivery, or supply of propane not specifically regulated by or subject to specific tariffs approved by the public service commission on or after January 1, 2013.

- END -

I hereby certify that the within bill,
SB 0321, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2015.

Speaker of the House

Signed this _____ day
of _____, 2015.

SENATE BILL NO. 321

INTRODUCED BY M. BLASDEL

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