

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PUBLIC UTILITY TO TRANSFER UNUSED
5 CUSTOMER-GENERATED KILOWATT-HOUR CREDITS TO LOW-INCOME ENERGY ASSISTANCE
6 PROGRAMS; AND AMENDING SECTIONS 69-8-412 AND 69-8-603, MCA."

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

10 **Section 1.** Section 69-8-412, MCA, is amended to read:

11 "69-8-412. Funds established -- fund administrators designated -- purpose of funds --

12 **department rulemaking authority to administer funds.** (1) If, pursuant to 69-8-402(2)(g) or (5)(d) and 69-8-
13 603(5), there is are unused kilowatt-hour credits and any positive difference between credits and the annual
14 funding requirement, the department of revenue shall establish one or both of the following funds:

15 (a) a fund to provide for universal system benefits programs other than low-income energy
16 assistance. The department of environmental quality shall administer this fund.

17 (b) a fund to provide universal low-income energy assistance. The department of public health and
18 human services shall administer this fund.

19 (2) The purpose of these funds is to fund universal system benefits programs.

20 (3) The department of environmental quality and the department of public health and human
21 services shall expend the money in each representative fund on universal system benefits programs in the
22 utility service territory from which the money was received.

23 (4) The department of environmental quality and the department of public health and human
24 services may adopt rules that administer and expend the money in each respective fund based on an annual
25 assessment of identified funding needs in the utility service territory from which the money was received. In
26 assessing the funding needs, the departments shall solicit utility and public comment from the utility service
27 territory from which the money was received. The annual assessment must also take into account existing utility
28 and large customer universal system benefits programs expenditures."

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2 **Section 2.** Section 69-8-603, MCA, is amended to read:

3 **"69-8-603. (Temporary) Net energy measurement calculation.** Consistent with the other provisions
4 of this part, the net energy measurement must be calculated in the following manner:

5 (1) The public utility shall measure the net electricity produced or consumed during the billing
6 period, in accordance with normal metering practices.

7 (2) If the electricity supplied by the electricity supplier public utility exceeds the electricity
8 generated by the customer-generator and fed back to the electricity supplier public utility during the billing
9 period, the customer-generator must be billed for the net electricity supplied by the electricity supplier public
10 utility, in accordance with normal metering practices.

11 (3) If electricity generated by the customer-generator exceeds the electricity supplied by the
12 electricity supplier public utility, the customer-generator must be:

13 (a) billed for the appropriate customer charges for that billing period, in accordance with 69-8-602;
14 and

15 (b) credited for the excess kilowatt hours generated during the billing period, with this kilowatt-hour
16 credit appearing on the bill for the following billing period.

17 (4) On January 1, April 1, July 1, or October 1 of each year, as designated by the customer-
18 generator as the beginning date of a 12-month billing period, any remaining unused kilowatt-hour credit
19 accumulated during the previous 12 months must be granted to the electricity supplier public utility, without any
20 compensation to the customer-generator.

21 (5) Unused kilowatt-hour credits granted to a public utility must be credited to the fund established
22 in 69-8-412 (1)(b) for low-income energy assistance programs as defined in 69-8-103(32)(f).

23 (6) Pursuant to 69-8-402, a public utility must receive credit for unused kilowatt hours that fund
24 low-income energy assistance programs.

25 **69-8-603. (Effective on occurrence of contingency) Net energy measurement calculation.**

26 Consistent with the other provisions of this part, and except as provided in 69-8-611(3), the net energy
27 measurement must be calculated in the following manner:

28 (1) The public utility shall measure the net electricity produced or consumed during the billing

1 period, in accordance with normal metering practices.

2 (2) If the electricity supplied by the public utility exceeds the electricity generated by the customer-
3 generator and fed back to the public utility during the billing period, the customer-generator must be billed for
4 the net electricity supplied by the public utility and billed at the appropriate rate pursuant to 69-3-306, in
5 accordance with 69-8-602 and 69-8-610 through 69-8-612.

6 (3) Subject to 69-8-602 and 69-8-610 through 69-8-612, if electricity generated by the customer-
7 generator exceeds the electricity supplied by the public utility, the customer-generator must be:

8 (a) billed at the appropriate rate pursuant to 69-3-306 for that billing period; and
9 (b) credited for the excess kilowatt hours generated during the billing period, with this kilowatt-hour
10 credit appearing on the bill for the following billing period.

11 (4) On January 1, April 1, July 1, or October 1 of each year, as designated by the customer-
12 generator as the beginning date of a 12-month billing period, any remaining unused kilowatt-hour credit
13 accumulated during the previous 12 months must be granted to the public utility, without any compensation to
14 the customer-generator."