

Unofficial Draft Copy

As of: April 17, 2012 (8:49am)

LCet05

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act requiring utilities, competitive electricity suppliers, or owners of electrical generation to file renewable energy credit reports with the department of revenue; eliminating exemptions; amending section 69-3-2009, MCA; repealing section 69-3-2010, 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 69-3-2009, MCA, is amended to read:

"69-3-2009. Electrical generation facilities renewable energy credit reporting. (1) (a) ~~Except as provided in 69-3-2010,~~ a A utility as defined in 69-5-102 operating in Montana, a competitive electricity supplier as defined in 69-3-2003, and any owner of an electrical generation facility operating in Montana that buys or sells renewable energy credits shall annually file a renewable energy credit report in accordance with this section.

(b) The report must be filed by March 1 of the year following the purchase or sale of the renewable energy credit.

(2) ~~Except as provided in 69-3-2010, the~~ The report must include:

(a) the price of any renewable energy credit bought or sold

by the facility or utility; and

(b) whether electrical energy and renewable energy credits were bought or sold together or separately, as a bundled or unbundled product.

(3) Except as provided in subsection (4), the reports are not subject to the regulatory powers of the department of revenue. The department of revenue shall make the report available for public inspection.

(4) A utility or owner of an electrical generation facility that fails to file the report required pursuant to this section shall pay an administrative penalty, assessed by the department of revenue, of \$1,500. A utility may not recover this penalty through an increase in electricity rates. Money generated from these penalties must be deposited in the universal low-income energy assistance fund established in 69-8-412(1)(b).

(5) For the purposes of implementing this section, "electrical generation facility" means any combination of a physically connected generator or generators, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power.

(6) (a) The report required in subsection (1) must be filed with the department of revenue in a format determined by the department.

(b) A utility, a competitive electricity supplier, or an owner of an electrical generation facility that is required to file a report pursuant to subsection (1) shall provide a copy of

the report to the energy and telecommunications interim committee provided for in 5-5-230. Before September 15 of the year preceding a legislative session, the energy and telecommunications interim committee shall review the reports and, if necessary, submit recommendations regarding the use of renewable energy credits in Montana to the legislature."

{ Internal References to 69-3-2009:
69-3-2010r }

NEW SECTION. **Section 2. {standard} Repealer.** The following section of the Montana Code Annotated is repealed:

69-3-2010. Exceptions to report contents.

{ Internal References to 69-3-2010: 69-3-2009a 69-3-2009a }

NEW SECTION. **Section 3. {standard} Saving clause.** [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

NEW SECTION. **Section 4. {standard} Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 5. {standard} Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to renewable energy credits bought or sold on or after January 1, 2013.

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