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

In the matter of the amendment of) NOTICE OF PUBLIC HEARING
ARM [38.5.8401](#) and [38.5.8408](#) pertaining) ON PROPOSED AMENDMENT
to Small Generator Interconnection)
definitions and procedures)

TO: All Concerned Persons

1. On June 2, 2020, at 1:30 p.m., the Department of Public Service Regulation, Public Service Commission (department) will hold a public hearing in the Bollinger Room, 1701 Prospect Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

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 May 22, 2020, to advise us of the nature of the accommodation that you need. Please contact Vicki LaFond-Smith, Department of Public Service Regulation, 1701 Prospect Avenue, P.O. Box 202601, Helena, MT, 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; TDD/Montana Relay Service (406) 444-4212; or e-mail vicki.lafond-smith@mt.gov.

3. The rules proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

[38.5.8401](#) DEFINITIONS Terminology used in these rules has the following meanings, except where the context clearly indicates otherwise:

(1) through (17) remain the same.

(18) "Premises" means the customer-generator's real property served by each metered electrical service. Only one net metering system, with an aggregate nameplate capacity that does not exceed 50 kW, is permitted per premises.

(18) remains the same but is renumbered (19).

~~(19) (20) "Small Generator Facility" means a generator or a group of generators located on the utility customer's premises that have an aggregate nameplate capacity that is less than or equal to 10 MW and is designed to operate in parallel with the electric distribution system~~ an energy resource(s) for the production, or storage and production, of electricity that has an aggregate nameplate capacity that does not exceed 10 MW, and is designed to operate in parallel with the electric distribution system.

AUTH: [69-3-103](#), MCA

IMP: [69-3-102](#), MCA

[38.5.8408](#) ADDITIONAL REQUIREMENTS (1) through (11) remain the same.

(12) Each utility subject to these rules must file with the commission an annual report detailing:

(a) the number of interconnection requests from each request described in ARM [38.5.8409](#) through [38.5.8412](#);

(b) the number of interconnections approved, failed, or withdrawn/abandoned at each level;

(c) the number of frequency or voltage events on the EDS side of the system that required interconnections at Level 1 to trip;

(d) the total amount of generation for the twelve-month period ending December 31 of the prior year, including amount of distributed energy resource generation broken out by resource type; and

(e) the average time of approval for small generator interconnection requests at Level 1.

AUTH: [69-3-103](#), MCA

IMP: [69-3-102](#), MCA

4. STATEMENT OF REASONABLE NECESSITY: These amendments are necessary to effectuate the commission's recent decisions in *In re Northwestern's 2018 SGIP Application*, D2016.9.66, Order 7621a (Jun. 7, 2019); *In re MDU's 2018 SGIP Application*, D201818.6.44, Order 7620a (Apr. 19, 2019); and *In re the Commission's Biennial Review of SGIP Requirements*, Notice of Commission Action (Jan. 23, 2018). Specifically, this rulemaking petition defines what is a "premises" for SGIP purposes, amends the definition of "small generator facility," and requires annual reporting of related SGIP events.

5. 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: Vicki LaFond Smith, Department of Public Service Regulation, 1701 Prospect Avenue, P.O. Box 202601, Helena, MT 59620-2601; telephone (406) 444-6170; fax (406) 444-7618; or e-mail vicki.lafond-smith@mt.gov and must be received no later than 5:00 p.m., June 5, 2020.

6. The department, 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 the department. Persons who wish to have their name added to the list shall make a written request which includes the name, e-mail address, and mailing address of the person to receive notices and specifies that the person wishes to receive notices

regarding: electric utilities, providers, and suppliers; natural gas utilities, providers, and suppliers; telecommunications utilities and carriers; water and sewer utilities; common carrier pipelines; motor carriers; rail carriers; and/or administrative procedures. Such written request may be mailed or delivered to the Department of Public Service Regulation, Legal Division, 1701 Prospect Avenue, P.O. Box 202601, Helena, MT 59620-2601, faxed to Vicki LaFond-Smith at (406) 444-7618, e-mailed to vicki.lafond-smith@mt.gov, or may be made by completing a request form at any rules hearing held by the department.

8. With regard to the requirements of [2-4-111](#), MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

9. The bill sponsor contact requirements of [2-4-302](#), MCA, do not apply.

/s/ JUSTIN KRASKE

Justin Kraske
Rule Reviewer

Regulation

/s/ BRAD JOHNSON

Brad Johnson
Chairman
Department of Public Service

Certified to the Secretary of State April 7, 2020.