



Energy and Technology Interim Committee

69th Montana Legislature

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Deep dive into the PSC structure and organization

by **Senator Gayle Lammers** and **Representative Bob Carter**

as presented to the Energy Technology Interim Committee (ETIC) Nov 12, 2025 & Jan 15, 2026
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Montana’s Public Service Commission (PSC) is largely defined in [Montana Code Annotated section 69](#) and via [Administrative Rules of Montana section 38](#). They are tasked with regulating the rates and service quality for investor owned electric, natural gas, water, waste-water, and some telecommunication companies. The PSC also has oversight of inspecting railroads, intra-state pipelines, and in some cases the transportation industry. The 5 commissioners are directly elected by Montana voters to staggered 4-year terms.

Comparing the structure of the Montana Public Service Commission with neighboring states:

State	Elected / Appointed	Commissioners	Term	Name
Montana	Elected	5	4 Years	PSC
Idaho	Appointed	3	6 Years	PUC
Wyoming*	Appointed	3	6 Years	PSC
Washington	Appointed	3	6 Years	WUT
Oregon	Appointed	3	4 Years	PUC
North Dakota	Elected	3	6 Years	PSC
South Dakota	Elected	3	6 Years	PUC
Utah	Appointed	3	6 Years	PSC

Pro’s and Con’s of an Elected Public Service Commission:

Pro’s	Con’s
Direct accountability to voters and the public, as opposed to their elected Senators and Representatives making a choice for the voter.	Campaign costs and fundraising can be a driver of policy, priorities and access, as well as potential influence from donors.
Political legitimacy and clear public mandate.	Political polarization or partisanship can affect decisions.
Geographic/demographic representation through statewide elections.	Short-term electoral pressures may hinder long-term planning and stability.
Regular public scrutiny through campaigns and elections.	Variability in qualifications among commissioners.

Pro’s and Con’s of an Appointed Public Service Commission:

Pro’s	Con’s
Greater emphasis on professional qualifications and expertise.	The appearance of reduced direct public accountability.
More insulation from election cycles, allowing longer terms, technocratic planning.	Risk of political influence or capture by the appointing authority (e.g., governor or legislature).
Potentially less influence from money and interest-group lobbying on campaigns.	Less perceived or actual geographic/demographic representation.
Possibility to implement merit-based, diverse, and ethics-focused selection processes.	Appointments can be less transparent or more politicized if not made within a structured process with confirmation rules, qualification standards, term limits, and ethics standards. **

Consider the following for updating the structure and nominating process for modernizing the Montana Public Utilities Commission:

1. The House of Representatives chooses a list of candidates to be submitted to the Governor.

- Have rules in place that include:
 - The number of Commissioners (update to 3 or continue with 5?)
 - The majority party holds a majority on the commission.
 - If the House & Senate are split, the governor’s party will hold the majority.
 - The number of candidates (the ‘slate’) to consider for each opening?
 - Candidate experience and requirements:
 - Professional experience and education:
 - How to consider experience in a regulated industry.
 - Consider Law, finance, accounting, ethics, negotiations, executive?
 - How to account for duplicate or overlapping experience?
 - How strict to make an experience requirement?
 - Are we restraining ourselves if we make it too strict?
 - Cooling off period for those in the industry. 2 years (before & after?)
 - Considerations for those with significant economic ties to regulated industries.
 - How to keep the position nonpartisan and insulate the commissioners from political pressure:
 - 6 year staggered terms.
 - Considerations for removal from office. Strictly for maleficence?
 - Require a two-thirds vote in the House for each nominee, or use a committee, or submitted the house majority/minority leaders?
 - Does a two-thirds vote gain more consensus between the political parties and keep a more centric approach?
 - Time limit for selection and submission to the Governor?
 - Considerations when the legislature is not in session and public participation.

2. The Governor shall appoint from the submitted slate of candidates, then sends the candidate to the Senate for confirmation.

- Have rules in place that include:
 - A time limit for selection.
 - Can the Governor veto a slate of candidates?
 - Can the Governor remove a commissioner before a term is up?
 - Transition to a new administration that switches the majority/minority control.

3. The Senate vote to confirm the Governor's appointment.

- Have rules in place that include:
 - Require a two-thirds vote for confirmation?
 - Time limit for confirmation?
 - If a candidate is not confirmed, what next?
 - Considerations when the legislature is not in session and public participation.

Other considerations:

- Pay raise to attract highly qualified individuals. (Market analysis?)
- Would new commissioners be expected to live in Helena and treat their work as a full time, in-person position?
- Staggered 6-year terms would promote more stability.
- Should term limits be reconsidered?
- How to handle seats that require filling outside of the legislative session?
- All commissioners represent the state as a whole, rather than districts.
- Are the staff salaries proportional to their duties? Are we losing too many staff to outside agencies?
- Executive Director duties and responsibilities?
- Consider a name change to better reflect the role of the modernized Commission
 - Public Utilities Commission? (PUC?)
 - Public Utilities Regulation? (PUR)