

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ SCS/House _____ Bill No. 355, Page 11, Section 386.020, Line 352,

2 by inserting immediately after said line the following:

3 "386.135. 1. The commission [shall have] may retain an
 4 independent technical advisory staff of up to six full-time
 5 employees. The technical advisory staff shall have expertise in
 6 accounting, economics, finance, engineering/utility operations,
 7 law, or public policy.

8 2. In addition, each commissioner [shall] may also [have
 9 the authority to] retain one personal advisor[, who shall be
 10 deemed a member of the technical advisory staff]. The personal
 11 advisors [will] shall serve at the pleasure of the individual
 12 commissioner whom they serve and shall possess expertise in one
 13 or more of the following fields: accounting, economics, finance,
 14 engineering/utility operations, law, or public policy.

15 3. The commission shall only [hire technical] establish
 16 technical advisory staff and personal advisor positions pursuant
 17 to subsections 1 and 2 of this section if there is a
 18 corresponding elimination in comparable staff positions for
 19 commission staff to offset the hiring of such technical advisory
 20 staff and personal advisors on a cost-neutral basis. [Such
 21 technical advisory staff shall be hired on or before July 1,
 22 2005.]

23 4. It shall be the duty of the technical advisory staff and
 24 personal advisors to render advice and assistance to the

1 commissioners and the commission's administrative law judges on
2 technical matters within their respective areas of expertise that
3 may arise during the course of proceedings before the commission.
4 Communications with the technical advisory staff or the personal
5 advisors regarding deliberations by the commission or matters
6 that may arise during the course of proceedings before the
7 commission shall be deemed privileged and protected from
8 disclosure.

9 5. The technical advisory staff shall also update the
10 commission and the commission's administrative law judges
11 periodically on developments and trends in public utility
12 regulation, including updates comparing the use, nature, and
13 effect of various regulatory practices and procedures as employed
14 by the commission and public utility commissions in other
15 jurisdictions.

16 6. Each member of the technical advisory staff and the
17 personal advisors shall be subject to any applicable ex parte or
18 conflict of interest requirements in the same manner and to the
19 same degree as any commissioner[, provided that neither any
20 person regulated by, appearing before, or employed by the
21 commission shall be permitted to offer such member a different
22 appointment or position during that member's tenure on the
23 technical advisory staff.

24 7. No employee of a company or corporation regulated by the
25 public service commission, no employee of the office of public
26 counsel or the public counsel, and no staff members of either the
27 utility operations division or utility services division who were
28 an employee or staff member on, during the two years immediately
29 preceding, or anytime after August 28, 2003, may be a member of

1 the commission's technical advisory staff for two years following
2 the termination of their employment with the corporation, office
3 of public counsel or commission staff member]. All technical
4 advisory staff members and the personal advisors who were
5 previously employees of entities regulated by or appearing before
6 the commission shall be precluded from advising the commission on
7 cases in which the technical advisory staff member or personal
8 advisor participated while employed by the entity.

9 [8.] 7. The technical advisory staff and personal advisors
10 shall never be a party to any case before the commission."; and

11 Further amend the title and enacting clause accordingly.
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