

SECOND REGULAR SESSION

SENATE BILL NO. 1170

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHILDERS.

Read 1st time February 18, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4662S.031

AN ACT

To repeal section 386.370, RSMo, relating to public counsel, and to enact in lieu thereof one new section relating to the same subject, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 386.370, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.370, to read as follows:

386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393, RSMo, and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

utilities in such group in proportion to their respective gross intrastate operating revenues during the preceding calendar year, except that the total amount so assessed to all such public utilities [shall not exceed one-fourth of one percent of the total gross intrastate] operating revenues of all utilities subject to the jurisdiction of the commission.

3. The commission shall render a statement of such assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth next following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

4. The state treasurer shall credit such payments to a special fund, which is hereby created, to be known as "The Public Service Commission Fund", which fund, or its successor fund created pursuant to section 33.571, RSMo, shall be devoted solely to the payment of expenditures actually incurred by the commission and attributable to the regulation of such public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be applicable by appropriation of the general assembly to the payment of such expenditures of the commission in the succeeding fiscal year and shall be applied by the commission to the reduction of the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in proportion to the respective gross intrastate operating revenues of the respective groups during the preceding calendar year.

5. In order to enable the commission to make the allocations and assessments herein provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file with the commission, within ten days after August 28, 1996, and thereafter on or before March thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for the preceding calendar year, and if any public utility shall fail to file such statement within the time aforesaid the commission shall estimate such revenue which estimate shall be binding on such public utility for the purpose of this section.

6. Prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 2002, the commission shall request from the office of the public counsel the average appropriation for the three fiscal years immediately preceding the current fiscal year and an estimate of the costs to be incurred by the public counsel reasonably attributable to the representation of utility customers. The commission shall assess this amount to the public utilities subject to the jurisdiction of the commission, subject to reduction as herein provided, in proportion to their

respective gross intrastate operating revenues during the preceding calendar year; provided, that the total amount so assessed on behalf of public counsel shall be two one-hundredths of one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the commission.

7. The commission shall render a statement for the public counsel assessment to each such public utility on or before July first and the amount so assessed to each such public utility shall be paid by it to the director of revenue in full on or before July fifteenth following the rendition of such statement, except that any such public utility may at its election pay such assessment in four equal installments not later than the following dates next following the rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth, and April fifteenth. The director of revenue shall remit such payments to the state treasurer.

8. The state treasurer shall credit payments received for the public counsel to a special fund, which is hereby created, to be known as "The Public Counsel Fund", which shall be devoted solely to the payment of expenditures actually incurred by the public counsel and attributable to its representation of utility customers. Any amount remaining in such special fund at the end of any fiscal year shall revert to the general revenue fund.

Section B. Because immediate action is necessary in order to ensure that the interests of the utility customers continue to be represented in cases before the public service commission, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

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