

FIRST REGULAR SESSION

SENATE BILL NO. 296

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

Read 1st time January 24, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1665S.01I

AN ACT

To repeal section 386.020, RSMo, and to enact in lieu thereof one new section relating to electric vehicle charging stations.

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

Section A. Section 386.020, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 386.020, to read as follows:

386.020. As used in this chapter, the following words and phrases mean:

2 (1) "Alternative local exchange telecommunications company", a local
3 exchange telecommunications company certified by the commission to provide
4 basic or nonbasic local telecommunications service or switched exchange access
5 service, or any combination of such services, in a specific geographic area
6 subsequent to December 31, 1995;

7 (2) "Alternative operator services company", any certificated
8 interexchange telecommunications company which receives more than forty
9 percent of its annual Missouri intrastate telecommunications service revenues
10 from the provision of operator services pursuant to operator services contracts
11 with traffic aggregators;

12 (3) "Basic interexchange telecommunications service" includes, at a
13 minimum, two-way switched voice service between points in different local calling
14 scopes as determined by the commission and shall include other services as
15 determined by the commission by rule upon periodic review and update;

16 (4) "Basic local telecommunications service", two-way switched voice
17 service within a local calling scope as determined by the commission comprised
18 of any of the following services and their recurring and nonrecurring charges:

19 (a) Multiparty, single line, including installation, touchtone dialing, and

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

20 any applicable mileage or zone charges;

21 (b) Assistance programs for installation of, or access to, basic local
22 telecommunications services for qualifying economically disadvantaged or
23 disabled customers or both, including, but not limited to, lifeline services and
24 link-up Missouri services for low-income customers or dual-party relay service for
25 the hearing impaired and speech impaired;

26 (c) Access to local emergency services including, but not limited to, 911
27 service established by local authorities;

28 (d) Access to basic local operator services;

29 (e) Access to basic local directory assistance;

30 (f) Standard intercept service;

31 (g) Equal access to interexchange carriers consistent with rules and
32 regulations of the Federal Communications Commission;

33 (h) One standard white pages directory listing.

34 Basic local telecommunications service does not include optional toll-free calling
35 outside a local calling scope but within a community of interest, available for an
36 additional monthly fee or the offering or provision of basic local
37 telecommunications service at private shared-tenant service locations;

38 (5) "Cable television service", the one-way transmission to subscribers of
39 video programming or other programming service and the subscriber interaction,
40 if any, which is required for the selection of such video programming or other
41 programming service;

42 (6) "Carrier of last resort", any telecommunications company which is
43 obligated to offer basic local telecommunications service to all customers who
44 request service in a geographic area defined by the commission and cannot
45 abandon this obligation without approval from the commission;

46 (7) "Commission", the "Public Service Commission" hereby created;

47 (8) "Commissioner", one of the members of the commission;

48 (9) "Competitive telecommunications company", a telecommunications
49 company which has been classified as such by the commission pursuant to section
50 392.245 or 392.361;

51 (10) "Competitive telecommunications service", a telecommunications
52 service which has been classified as such by the commission pursuant to section
53 392.245 or to section 392.361, or which has become a competitive
54 telecommunications service pursuant to section 392.370;

55 (11) "Corporation" includes a corporation, company, association and joint

56 stock association or company;

57 (12) "Customer-owned pay telephone", a privately owned
58 telecommunications device that is not owned, leased or otherwise controlled by
59 a local exchange telecommunications company and which provides
60 telecommunications services for a use fee to the general public;

61 (13) "Effective competition" shall be determined by the commission based
62 on:

63 (a) The extent to which services are available from alternative providers
64 in the relevant market;

65 (b) The extent to which the services of alternative providers are
66 functionally equivalent or substitutable at comparable rates, terms and
67 conditions;

68 (c) The extent to which the purposes and policies of chapter 392, including
69 the reasonableness of rates, as set out in section 392.185, are being advanced;

70 (d) Existing economic or regulatory barriers to entry; and

71 (e) Any other factors deemed relevant by the commission and necessary
72 to implement the purposes and policies of chapter 392;

73 (14) "Electric plant" includes all real estate, fixtures and personal
74 property operated, controlled, owned, used or to be used for or in connection with
75 or to facilitate the generation, transmission, distribution, sale or furnishing of
76 electricity for light, heat or power; and any conduits, ducts or other devices,
77 materials, apparatus or property for containing, holding or carrying conductors
78 used or to be used for the transmission of electricity for light, heat or power;

79 (15) "Electrical corporation" includes every corporation, company,
80 association, joint stock company or association, partnership and person, their
81 lessees, trustees or receivers appointed by any court whatsoever, other than a
82 railroad, light rail or street railroad corporation generating electricity solely for
83 railroad, light rail or street railroad purposes or for the use of its tenants and not
84 for sale to others, owning, operating, controlling or managing any electric plant
85 except where electricity is generated or distributed by the producer solely on or
86 through private property for railroad, light rail or street railroad purposes or for
87 its own use or the use of its tenants and not for sale to others;

88 (16) "Exchange", a geographical area for the administration of
89 telecommunications services, established and described by the tariff of a
90 telecommunications company providing basic local telecommunications service;

91 (17) "Exchange access service", a service provided by a local exchange

92 telecommunications company which enables a telecommunications company or
93 other customer to enter and exit the local exchange telecommunications network
94 in order to originate or terminate interexchange telecommunications service;

95 (18) "Gas corporation" includes every corporation, company, association,
96 joint stock company or association, partnership and person, their lessees, trustees
97 or receivers appointed by any court whatsoever, owning, operating, controlling or
98 managing any gas plant operating for public use under privilege, license or
99 franchise now or hereafter granted by the state or any political subdivision,
100 county or municipality thereof;

101 (19) "Gas plant" includes all real estate, fixtures and personal property
102 owned, operated, controlled, used or to be used for or in connection with or to
103 facilitate the manufacture, distribution, sale or furnishing of gas, natural or
104 manufactured, for light, heat or power;

105 (20) "Heating company" includes every corporation, company, association,
106 joint stock company or association, partnership and person, their lessees, trustees
107 or receivers, appointed by any court whatsoever, owning, operating, managing or
108 controlling any plant or property for manufacturing and distributing and selling,
109 for distribution, or distributing hot or cold water, steam or currents of hot or cold
110 air for motive power, heating, cooking, or for any public use or service, in any
111 city, town or village in this state; provided, that no agency or authority created
112 by or operated pursuant to an interstate compact established pursuant to section
113 70.370 shall be a heating company or subject to regulation by the commission;

114 (21) "High-cost area", a geographic area, which shall follow exchange
115 boundaries and be no smaller than an exchange nor larger than a local calling
116 scope, where the cost of providing basic local telecommunications service as
117 determined by the commission, giving due regard to recovery of an appropriate
118 share of joint and common costs as well as those costs related to carrier of last
119 resort obligations, exceeds the rate for basic local telecommunications service
120 found reasonable by the commission;

121 (22) "Incumbent local exchange telecommunications company", a local
122 exchange telecommunications company authorized to provide basic local
123 telecommunications service in a specific geographic area as of December 31, 1995,
124 or a successor in interest to such a company;

125 (23) "Interconnected voice over internet protocol service", service that:

126 (a) Enables real-time, two-way voice communications;

127 (b) Requires a broadband connection from the user's location;

128 (c) Requires internet protocol-compatible customer premises equipment;
129 and

130 (d) Permits users generally to receive calls that originate on the public
131 switched telephone network and to terminate calls to the public switched
132 telephone network;

133 (24) "Interexchange telecommunications company", any company engaged
134 in the provision of interexchange telecommunications service;

135 (25) "Interexchange telecommunications service", telecommunications
136 service between points in two or more exchanges;

137 (26) "InterLATA", interexchange telecommunications service between
138 points in different local access and transportation areas;

139 (27) "IntraLATA", interexchange telecommunications service between
140 points within the same local access and transportation area;

141 (28) "Light rail" includes every rail transportation system in which one
142 or more rail vehicles are propelled electrically by overhead catenary wire upon
143 tracks located substantially within an urban area and are operated exclusively
144 in the transportation of passengers and their baggage, and including all bridges,
145 tunnels, equipment, switches, spurs, tracks, stations, used in connection with the
146 operation of light rail;

147 (29) "Line" includes route;

148 (30) "Local access and transportation area" or "LATA", contiguous
149 geographic area approved by the U.S. District Court for the District of Columbia
150 in *United States v. Western Electric*, Civil Action No. 82-0192 that defines the
151 permissible areas of operations for the Bell Operating companies;

152 (31) "Local exchange telecommunications company", any company engaged
153 in the provision of local exchange telecommunications service. A local exchange
154 telecommunications company shall be considered a "large local exchange
155 telecommunications company" if it has at least one hundred thousand access lines
156 in Missouri and a "small local exchange telecommunications company" if it has
157 less than one hundred thousand access lines in Missouri;

158 (32) "Local exchange telecommunications service", telecommunications
159 service between points within an exchange;

160 (33) "Long-run incremental cost", the change in total costs of the company
161 of producing an increment of output in the long run when the company uses least
162 cost technology, and excluding any costs that, in the long run, are not brought
163 into existence as a direct result of the increment of output. The relevant

164 increment of output shall be the level of output necessary to satisfy total current
165 demand levels for the service in question, or, for new services, demand levels that
166 can be demonstrably anticipated;

167 (34) "Municipality" includes a city, village or town;

168 (35) "Nonbasic telecommunications services" shall be all regulated
169 telecommunications services other than basic local and exchange access
170 telecommunications services, and shall include the services identified in
171 paragraphs (d) and (e) of subdivision (4) of this section. Any retail
172 telecommunications service offered for the first time after August 28, 1996, shall
173 be classified as a nonbasic telecommunications service, including any new service
174 which does not replace an existing service;

175 (36) "Noncompetitive telecommunications company", a telecommunications
176 company other than a competitive telecommunications company or a
177 transitionally competitive telecommunications company;

178 (37) "Noncompetitive telecommunications service", a telecommunications
179 service other than a competitive or transitionally competitive telecommunications
180 service;

181 (38) "Operator services", operator-assisted interexchange
182 telecommunications service by means of either human or automated call
183 intervention and includes, but is not limited to, billing or completion of calling
184 card, collect, person-to-person, station-to-station or third number billed calls;

185 (39) "Operator services contract", any agreement between a traffic
186 aggregator and a certificated interexchange telecommunications company to
187 provide operator services at a traffic aggregator location;

188 (40) "Person" includes an individual, and a firm or copartnership;

189 (41) "Private shared tenant services" includes the provision of
190 telecommunications and information management services and equipment within
191 a user group located in discrete private premises as authorized by the commission
192 by a commercial-shared services provider or by a user association, through
193 privately owned customer premises equipment and associated data processing and
194 information management services and includes the provision of connections to the
195 facilities of local exchange telecommunications companies and to interexchange
196 telecommunications companies;

197 (42) "Private telecommunications system", a telecommunications system
198 controlled by a person or corporation for the sole and exclusive use of such
199 person, corporation or legal or corporate affiliate thereof;

200 (43) "Public utility" includes every pipeline corporation, gas corporation,
201 electrical corporation, telecommunications company, water corporation, [heat]
202 **heating company** or refrigerating corporation, and sewer corporation, as these
203 terms are defined in this section, and each thereof is hereby declared to be a
204 public utility and to be subject to the jurisdiction, control and regulation of the
205 commission and to the provisions of this chapter. **"Public utility" shall not**
206 **include a person or corporation that purchases electricity from an**
207 **electrical corporation, furnishes electricity exclusively to charge**
208 **battery-operated vehicles and plug-in hybrid vehicles to or for the**
209 **public for compensation, and is not otherwise a public utility;**

210 (44) "Railroad" includes every railroad and railway, other than street
211 railroad or light rail, by whatsoever power operated for public use in the
212 conveyance of persons or property for compensation, with all bridges, ferries,
213 tunnels, equipment, switches, spurs, tracks, stations, real estate and terminal
214 facilities of every kind used, operated, controlled or owned by or in connection
215 with any such railroad;

216 (45) "Railroad corporation" includes every corporation, company,
217 association, joint stock company or association, partnership and person, their
218 lessees, trustees or receivers appointed by any court whatsoever, owning, holding,
219 operating, controlling or managing any railroad [or railway] as defined in this
220 section, or any cars or other equipment used thereon or in connection therewith;

221 (46) "Rate", every individual or joint rate, fare, toll, charge, reconsigning
222 charge, switching charge, rental or other compensation of any corporation, person
223 or public utility, or any two or more such individual or joint rates, fares, tolls,
224 charges, reconsigning charges, switching charges, rentals or other compensations
225 of any corporation, person or public utility or any schedule or tariff thereof;

226 (47) "Resale of telecommunications service", the offering or providing of
227 telecommunications service primarily through the use of services or facilities
228 owned or provided by a separate telecommunications company, but does not
229 include the offering or providing of private shared tenant services;

230 (48) "Service" includes not only the use and accommodations afforded
231 consumers or patrons, but also any product or commodity furnished by any
232 corporation, person or public utility and the plant, equipment, apparatus,
233 appliances, property and facilities employed by any corporation, person or public
234 utility in performing any service or in furnishing any product or commodity and
235 devoted to the public purposes of such corporation, person or public utility, and

236 to the use and accommodation of consumers or patrons;

237 (49) "Sewer corporation" includes every corporation, company, association,
238 joint stock company or association, partnership or person, their lessees, trustees
239 or receivers appointed by any court, owning, operating, controlling or managing
240 any sewer system, plant or property, for the collection, carriage, treatment, or
241 disposal of sewage anywhere within the state for gain, except that the term shall
242 not include sewer systems with fewer than twenty-five outlets;

243 (50) "Sewer system" includes all pipes, pumps, canals, lagoons, plants,
244 structures and appliances, and all other real estate, fixtures and personal
245 property, owned, operated, controlled or managed in connection with or to
246 facilitate the collection, carriage, treatment and disposal of sewage for municipal,
247 domestic or other beneficial or necessary purpose;

248 (51) "Street railroad" includes every railroad by whatsoever type of power
249 operated, and all extensions and branches thereof and supplementary facilities
250 thereto by whatsoever type of vehicle operated, for public use in the conveyance
251 of persons or property for compensation, mainly providing local transportation
252 service upon the streets, highways and public places in a municipality, or in and
253 adjacent to a municipality, and including all cars, buses and other rolling stock,
254 equipment, switches, spurs, tracks, poles, wires, conduits, cables, subways,
255 tunnels, stations, terminals and real estate of every kind used, operated or owned
256 in connection therewith but this term shall not include light rail as defined in
257 this section; and the term "street railroad" when used in this chapter shall also
258 include all motor bus and trolley bus lines and routes and similar local
259 transportation facilities, and the rolling stock and other equipment thereof and
260 the appurtenances thereto, when operated as a part of a street railroad or trolley
261 bus local transportation system, or in conjunction therewith or supplementary
262 thereto, but such term shall not include a railroad constituting or used as part
263 of a trunk line railroad system and any street railroad as defined above which
264 shall be converted wholly to motor bus operation shall nevertheless continue to
265 be included within the term street railroad as used herein;

266 (52) "Telecommunications company" includes telephone corporations as
267 that term is used in the statutes of this state and every corporation, company,
268 association, joint stock company or association, partnership and person, their
269 lessees, trustees or receivers appointed by any court whatsoever, owning,
270 operating, controlling or managing any facilities used to provide
271 telecommunications service for hire, sale or resale within this state;

272 (53) "Telecommunications facilities" includes lines, conduits, ducts, poles,
273 wires, cables, crossarms, receivers, transmitters, instruments, machines,
274 appliances and all devices, real estate, easements, apparatus, property and routes
275 used, operated, controlled or owned by any telecommunications company to
276 facilitate the provision of telecommunications service;

277 (54) "Telecommunications service", the transmission of information by
278 wire, radio, optical cable, electronic impulses, or other similar means. As used
279 in this definition, "information" means knowledge or intelligence represented by
280 any form of writing, signs, signals, pictures, sounds, or any other
281 symbols. Telecommunications service does not include:

282 (a) The rent, sale, lease, or exchange for other value received of customer
283 premises equipment except for customer premises equipment owned by a
284 telephone company certificated or otherwise authorized to provide telephone
285 service prior to September 28, 1987, and provided under tariff or in inventory on
286 January 1, 1983, which must be detariffed no later than December 31, 1987, and
287 thereafter the provision of which shall not be a telecommunications service, and
288 except for customer premises equipment owned or provided by a
289 telecommunications company and used for answering 911 or emergency calls;

290 (b) Answering services and paging services;

291 (c) The offering of radio communication services and facilities when such
292 services and facilities are provided under a license granted by the Federal
293 Communications Commission under the commercial mobile radio services rules
294 and regulations;

295 (d) Services provided by a hospital, hotel, motel, or other similar business
296 whose principal service is the provision of temporary lodging through the owning
297 or operating of message switching or billing equipment solely for the purpose of
298 providing at a charge telecommunications services to its temporary patients or
299 guests;

300 (e) Services provided by a private telecommunications system;

301 (f) Cable television service;

302 (g) The installation and maintenance of inside wire within a customer's
303 premises;

304 (h) Electronic publishing services;

305 (i) Services provided pursuant to a broadcast radio or television license
306 issued by the Federal Communications Commission; or

307 (j) Interconnected voice over internet protocol service;

308 (55) "Telephone cooperative", every corporation defined as a
309 telecommunications company in this section, in which at least ninety percent of
310 those persons and corporations subscribing to receive local telecommunications
311 service from the corporation own at least ninety percent of the corporation's
312 outstanding and issued capital stock and in which no subscriber owns more than
313 two shares of the corporation's outstanding and issued capital stock;

314 (56) "Traffic aggregator", any person, firm, partnership or corporation
315 which furnishes a telephone for use by the public and includes, but is not limited
316 to, telephones located in rooms, offices and similar locations in hotels, motels,
317 hospitals, colleges, universities, airports and public or customer-owned pay
318 telephone locations, whether or not coin operated;

319 (57) "Transitionally competitive telecommunications company", an
320 interexchange telecommunications company which provides any noncompetitive
321 or transitionally competitive telecommunications service, except for an
322 interexchange telecommunications company which provides only noncompetitive
323 telecommunications service;

324 (58) "Transitionally competitive telecommunications service", a
325 telecommunications service offered by a noncompetitive or transitionally
326 competitive telecommunications company and classified as transitionally
327 competitive by the commission pursuant to section 392.361 or 392.370;

328 (59) "Water corporation" includes every corporation, company, association,
329 joint stock company or association, partnership and person, their lessees,
330 trustees, or receivers appointed by any court whatsoever, owning, operating,
331 controlling or managing any plant or property, dam or water supply, canal, or
332 power station, distributing or selling for distribution, or selling or supplying for
333 gain any water;

334 (60) "Water system" includes all reservoirs, tunnels, shafts, dams, dikes,
335 headgates, pipes, flumes, canals, structures and appliances, and all other real
336 estate, fixtures and personal property, owned, operated, controlled or managed
337 in connection with or to facilitate the diversion, development, storage, supply,
338 distribution, sale, furnishing or carriage of water for municipal, domestic or other
339 beneficial use.

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