

SECOND REGULAR SESSION

SENATE BILL NO. 1035

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time February 24, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5551S.011

AN ACT

To repeal section 393.106, RSMo, and to enact in lieu thereof one new section relating to electric energy.

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

Section A. Section 393.106, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 393.106, to read as follows:

393.106. 1. As used in this section, the following terms mean:

2 (1) "Permanent service", electrical service provided through facilities
3 which have been permanently installed on a structure and which are designed to
4 provide electric service for the structure's anticipated needs for the indefinite
5 future, as contrasted with facilities installed temporarily to provide electrical
6 service during construction. Service provided temporarily shall be at the risk of
7 the electrical supplier and shall not be determinative of the rights of the provider
8 or recipient of permanent service;

9 (2) "Structure" or "structures", an agricultural, residential, commercial,
10 industrial or other building or a mechanical installation, machinery or apparatus
11 at which retail electric energy is being delivered through a metering device which
12 is located on or adjacent to the structure and connected to the lines of an
13 electrical supplier. Such terms shall include any contiguous or adjacent additions
14 to or expansions of a particular structure. Nothing in this section shall be
15 construed to confer any right on an electric supplier to serve new structures on
16 a particular tract of land because it was serving an existing structure on that
17 tract;

18 (3) "Transformation interconnect", a connection to the electric
19 transmission system that steps up outgoing electricity generated at an
20 electric generation facility that is consistent with the transmission

21 **system voltage;**

22 **(4) "Transmission interconnect", a connection between a**
23 **generation facility and the electric transmission system that is being**
24 **provided and maintained by a regional transmission operator or by a**
25 **similar entity with a Federal Energy Regulatory Commission approved**
26 **tariff and the ability to interconnect generators to the transmission**
27 **system.**

28 2. Once an electrical corporation or joint municipal utility commission, or
29 its predecessor in interest, lawfully commences supplying retail electric energy
30 to a structure through permanent service facilities, it shall have the right to
31 continue serving such structure, and other suppliers of electrical energy shall not
32 have the right to provide service to the structure except as might be otherwise
33 permitted in the context of municipal annexation, pursuant to section 386.800
34 and section 394.080, or pursuant to a territorial agreement approved under
35 section 394.312. The public service commission, upon application made by an
36 affected party, may order a change of suppliers on the basis that it is in the
37 public interest for a reason other than a rate differential. The commission's
38 jurisdiction under this section is limited to public interest determinations and
39 excludes questions as to the lawfulness of the provision of service, such questions
40 being reserved to courts of competent jurisdiction. Except as provided in this
41 section, nothing contained herein shall affect the rights, privileges or duties of
42 existing corporations pursuant to this chapter. Nothing in this section shall be
43 construed to make lawful any provision of service which was unlawful prior to
44 July 11, 1991. Nothing in this section shall be construed to make unlawful the
45 continued lawful provision of service to any structure which may have had a
46 different supplier in the past, if such a change in supplier was lawful at the time
47 it occurred. However, those customers who had cancelled service with their
48 previous supplier or had requested cancellation by May 1, 1991, shall be eligible
49 to change suppliers as per previous procedures. No customer shall be allowed to
50 change electric suppliers by disconnecting service between May 1, 1991, and July
51 11, 1991.

52 **3. Notwithstanding the provisions of subsection 2 of this section**
53 **or any other provision of chapters 386 and 394 to the contrary, electric**
54 **energy may be provided and obtained on a wholesale basis at any**
55 **electric generating facility over a transformation interconnect or a**
56 **transmission interconnect under the applicable federal tariffs of a**

57 regional transmission organization instead of under retail service
58 tariffs filed with the public service commission by an electric utility.

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