

SENATE BILL NO. 989

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

3372S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 386.370, RSMo, and to enact in lieu thereof one new section relating to assessments against public utilities.

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Section A. Section 386.370, RSMo, is repealed and one new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

386.370. 1. The commission shall, prior to the
2 beginning of each fiscal year beginning with the fiscal year
3 commencing on July 1, 1947, make an estimate of the expenses
4 to be incurred by it during such fiscal year reasonably
5 attributable to the regulation of public utilities as
6 provided in chapters 386, 392 and 393 and shall also
7 separately estimate the amount of such expenses directly
8 attributable to such regulation of each of the following
9 groups of public utilities: electrical corporations, gas
10 corporations, water corporations, heating companies and
11 telephone corporations, telegraph corporations, sewer
12 corporations, and any other public utility as defined in
13 section 386.020, as well as the amount of such expenses not
14 directly attributable to any such group. For purposes of
15 this section, water corporations and sewer corporations will
16 be combined and considered one group of public utilities.

17 2. The commission shall allocate to each such group of
18 public utilities the estimated expenses directly

19 attributable to the regulation of such group and an amount
20 equal to such proportion of the estimated expenses not
21 directly attributable to any group as the gross intrastate
22 operating revenues of such group during the preceding
23 calendar year bears to the total gross intrastate operating
24 revenues of all public utilities subject to the jurisdiction
25 of the commission, as aforesaid, during such calendar year.
26 **If this calculation would otherwise result in the telephone**
27 **corporation group being allocated an amount of indirectly**
28 **attributable expenses in excess of one and one-fourth times**
29 **its directly attributable expenses, the telephone**
30 **corporation group shall be allocated an amount of indirectly**
31 **attributed expenses at one and one-fourth times the**
32 **telephone corporation group's directly attributed expenses**
33 **and the resulting amount of excess indirectly attributable**
34 **expenses shall be reallocated to the remaining public**
35 **utility groups in the proportion of each group's total gross**
36 **intrastate operating revenue during the preceding year to**
37 **the total gross intrastate operating revenues for those**
38 **groups collectively.** The commission shall then assess the
39 amount so allocated to each group of public utilities,
40 subject to reduction as herein provided, to the public
41 utilities in such group in proportion to their respective
42 gross intrastate operating revenues during the preceding
43 calendar year, except that the total amount so assessed to
44 all such public utilities shall not exceed three hundred
45 fifteen thousandths of one percent of the total gross
46 intrastate operating revenues of all utilities subject to
47 the jurisdiction of the commission.

48 3. The commission shall render a statement of such
49 assessment to each such public utility on or before July
50 first and the amount so assessed to each such public utility

51 shall be paid by it to the director of revenue in full on or
52 before July fifteenth next following the rendition of such
53 statement, except that any such public utility may at its
54 election pay such assessment in four equal installments not
55 later than the following dates next following the rendition
56 of said statement, to wit: July fifteenth, October
57 fifteenth, January fifteenth and April fifteenth. The
58 director of revenue shall remit such payments to the state
59 treasurer.

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

79 5. In order to enable the commission to make the
80 allocations and assessments herein provided for, each public
81 utility subject to the jurisdiction of the commission as
82 aforesaid shall file with the commission, within ten days

83 after August 28, 1996, and thereafter on or before March
84 thirty-first of each year, a statement under oath showing
85 its gross intrastate operating revenues for the preceding
86 calendar year, and if any public utility shall fail to file
87 such statement within the time aforesaid the commission
88 shall estimate such revenue which estimate shall be binding
89 on such public utility for the purpose of this section.

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