

FIRST REGULAR SESSION

SENATE BILL NO. 447

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOLL.

Read 1st time February 15, 1999, and 1,000 copies ordered printed.

S1943.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 393, RSMo, by adding thereto seven new sections relating to regulation of gas and electric companies.

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

Section A. Chapter 393, RSMo, is amended by adding thereto seven new sections, to be known as sections 393.300, 393.303, 393.306, 393.309, 393.312, 393.315 and 393.317, to read as follows:

393.300. As used in sections 393.300 to 393.317, the following terms shall mean:

(1) "Commission", the public service commission;

(2) "Electric company", every corporation, company, cooperative, association, municipal electric utility, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, other than a railroad or street railroad corporation generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others, owning, operating, controlling or managing any electric plant except where electricity is generated or distributed by the producer solely on or through private property for railroad or street railroad purposes or for its own use or the use of its tenants and not for sale to others;

(3) "Gas company", every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any gas plant operating for public use under privilege, license or franchise now or hereafter granted by the state or any political subdivision, county or municipality of the state.

393.303. 1. Each electric company and gas company providing service to

Missouri residents shall file an annual preventative maintenance plan with the commission. Such plan shall detail the maintenance, replacement and inspection schedule of all gas transmission and distribution mechanisms, overhead and underground electric lines, poles, substations, generation facilities and related equipment located within the state, and shall be subject to the approval of the commission.

2. The preventative maintenance plan shall set forth a schedule for preventative maintenance for gas transmission and distribution mechanisms, overhead and underground electric lines, poles, substations, generation facilities and related equipment.

3. The preventative maintenance plan shall specify the expected date for replacement of gas transmission and distribution mechanisms, overhead and underground electric lines, poles, substations, generation facilities and related equipment.

4. The preventative maintenance plan shall include a schedule for the inspection of gas transmission and distribution mechanisms, overhead and underground electric lines, poles, substations, generation facilities and related equipment. The method of inspection shall be indicated in such plan and shall include the checklist or report forms that will be used.

5. The preventative maintenance plan shall require all electric and gas company employees, vendors and contractors to have completed appropriate industry recognized training.

6. The preventative maintenance plan shall require each electric and gas company to employ a sufficient number of properly trained permanent employees to adequately construct, inspect and maintain all gas transmission and distribution mechanisms, overhead and underground electric lines, poles, substations, generation facilities and related equipment.

7. Each facility inspected shall be required to meet a minimum maintenance standard rating with the criteria for such rating spelled out in the approved preventative maintenance plan.

8. The electric or gas company submitting a preventative maintenance plan to the commission pursuant to this section shall also present for approval by the commission the manner, method and schedule for corrective action in the event a facility receives an unfavorable rating.

9. The preventative maintenance plan shall specify where the records will be kept with regard to inspections, condition rating, corrective actions, replacement of facilities and preventative maintenance. These records shall be kept for a period of five years.

10. Failure to file a preventative maintenance plan or failure to comply with the provisions of this section shall result in a civil penalty of five hundred dollars per occurrence being assessed by the commission against the noncomplying electric or gas company.

393.306. 1. The commission shall establish minimal performance standards for all electric and gas companies offering service within this state. Each electric or gas company shall implement procedures to ensure that their employees, vendors and contractors adhere to all federal and state safety rules and regulations. Employees of such contractors or vendors shall be bonded by the contractor or vendor when working on or around customer or public property or equipment, or both, against the possible threat to customers or the public by negligent or criminal behavior. Each electric or gas company is responsible for all damage to customer property and equipment primarily caused by the failure of such utilities to deliver service to their customers in compliance with the specifications set by the commission.

2. Each electric or gas company shall report to the commission all incidents where:

(1) An incident results in a fatality or personal injury with inpatient hospitalization and such incident involves electric or gas company owned electric or gas facilities;

(2) Estimated property damage of the electric or gas company or to others, or both, is twenty thousand dollars or more.

3. Each electric or gas company shall furnish to the commission a written report pursuant to this section within thirty days of each incident giving a detailed and thorough account of the incident.

4. Failure to comply with the provisions of this section shall result in civil penalties of five hundred dollars per occurrence being imposed on the electric or gas company by the commission.

393.309. 1. To ensure that employees operating and maintaining generation, transmission and distribution facilities have the prerequisite skills, knowledge and competency to provide reliable and safe electrical and gas service, the commission shall set specific service standards for both reliability and maintenance by:

(1) Establishing a minimum set of standards for employee safety. These standards are to include both core skills and specialty skills;

(2) Hearing and judging complaints or violations within the state;

(3) Having the authority to impose civil penalties on those who purposely violate the conditions set forth in the established safety rules;

(4) Requiring electric and gas companies to maintain minimum staffing levels no lower than those of August 28, 1999.

2. The commission shall prohibit employers from permitting employees to perform critical functions within the industry without first demonstrating that they have been certified as possessing the necessary skills and knowledge.

3. Electric or gas company employees, vendors and contractors working on or around customers' equipment or property shall have completed the necessary certification standards as established by the commission. This subsection shall apply to the installation and maintenance of all areas of electric transmission, distribution and generation systems. The knowledge, skills and competence levels demonstrated shall be consistent with those generally required by the state commission. These standards shall apply to the installation and maintenance of all areas of generation, transmission and distribution of electricity and gas in both regulated and nonregulated jobs.

4. Failure to comply with the provisions in this section shall result in civil penalties of five hundred dollars per occurrence being imposed on the electric or gas company.

393.312. If an electric or gas company, or one or more of its subsidiary or parent companies, is party to a collective bargaining agreement recognized by federal or state law and undertakes a sale or lease of generation, transmission or distribution assets; sale of stock; transfer of stock; formation of a holding company; significant downsizing of operation or maintenance programs, or both; or merger with any other entity, that entity shall continue to recognize and bargain with the union representing the employees of the company at the time of the creation, acquisition or merger and shall refrain from making unilateral changes in the employees' terms and conditions of employment for a period of three years or until the expiration of the existing contract, whichever occurs later. In addition, any successor employer is bound to the terms of the collective bargaining agreement to the extent permitted by state and federal law unless the parties mutually agree to different terms and conditions within the three-year period. Nothing in this section prevents any company, corporation or other business from entering into any collective bargaining agreement as allowed by state or federal law.

393.315. 1. Any electric or gas company undertaking a sale or lease of generation, transmission or distribution assets; sale of stock; transfer of stock; formation of a holding company; significant downsizing of operation or maintenance programs, or both; or merger with any other entity, shall prepare a worker transition plan. Such plan shall be filed with the commission a minimum of one hundred eighty days prior to the finalization of any of the transactions described in this section. Prior to filing the worker transition plan, the electric or gas company shall inform its employees and their certified representatives of the provisions of the proposed plan

and, in accordance with applicable law, shall confer with those employees or their certified representatives regarding the impact of the proposed plan on those employees and measures to minimize any resulting hardship on those employees.

2. While a worker transition plan is in effect, the electric or gas company shall file notice with the commission of any closure or relocation of facilities and any action or reorganization that will result in layoffs. The notice shall include a description of the actions, the reasons for them and an assessment of their effects on the utility's employees. The worker transition plan shall ensure the continuation of the terms and conditions of employment for a period of three years of any nonmanagerial employees potentially affected.

3. The worker transition plan shall offer voluntary severance, retraining, early retirement, outplacement and related benefits to affected workers. Required services and benefits shall include:

(1) Provide full tuition for two years at a state-owned college or university, a vocational or technical school within the state, or any other reasonable retraining services of value equal to two years of full in-state tuition at the University of Missouri at the discretion of the employee;

(2) Provide continued health care insurance at the benefit and contribution levels existing during employment for twenty-four months or until permanent replacement coverage is obtained through re-employment;

(3) Provide severance pay equal to three weeks of base pay for every year of full-time employment not to exceed fifty-two weeks;

(4) Provide an early retirement option to any employee who is eligible to retire pursuant to the pension plan. Any employee exercising the early retirement option shall be entitled to receive full benefits equal to normal retirement benefits and shall be supplemented with social security benefits until qualifying age;

(5) Establish a job bank to coordinate and assist placement of workers in the electric and gas industries throughout the state.

4. Failure to comply with the provisions in this section shall result in civil penalties of five hundred dollars per occurrence being imposed on the electric or gas companies.

393.317. 1. The commission shall adopt minimum customer service standards for all electric and gas companies providing service to residents of this state. Such standards shall include the following:

(1) The electric or gas company shall maintain a minimum of one customer service center within its service territory and shall locate sufficient personnel strategically throughout its service territory needed to meet the needs of its customers;

(2) Requests for the establishment or termination of service shall be completed

within seventy-two hours of being received except for customer-caused delays or other delays outside the control of the electric or gas company;

(3) Trouble reports generated by customers shall be satisfactorily taken care of within two hours of being initiated;

(4) Every effort shall be made to provide customers with accurate bills for service. Less than five percent of the bills should be in error as a result of not properly calculating the bill or failing to properly read the meter;

(5) Adequate safeguards shall be implemented to ensure that improper shut off of service does not occur;

(6) Each electric or gas company shall establish a customer complaint hotline that shall be an easy to remember toll-free telephone number. The customer complaint hotline shall be staffed with sufficient personnel so that calls can be answered during normal working hours within twenty seconds. A log shall be kept on the nature of each complaint, the time and day the complaint was received and an explanation of how the complaint was resolved.

2. Failure to comply with the provisions in this section shall result in civil penalties of five hundred dollars for each occurrence of a violation by such electric or gas company.

Bill ✓

Copy