

SECOND REGULAR SESSION

HOUSE BILL NO. 1728

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RECTOR (Sponsor), EMERY, MYERS, SCHLOTTACH,
BIVINS, SMITH (14), VIEBROCK, SCHAD AND MOORE (Co-sponsors).

Read 1st time February 9, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4834L.01I

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to the public counsel.

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

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be
2 known as section 386.715, to read as follows:

386.715. 1. The public counsel shall, prior to the beginning of each fiscal year,
2 make available to the commission an estimate of the expenses to be incurred by the public
3 counsel during such fiscal year, reasonably attributable to the regulation of public utilities
4 as provided in this chapter and chapters 392 and 393, RSMo, and shall also separately
5 estimate the amount of such expenses directly attributable to such regulation of each of the
6 following groups of public utilities: electrical corporations, gas corporations, water
7 corporations, heating companies, telephone corporations, telegraph corporations, sewer
8 corporations, and any other public utility as defined in section 386.020, as well as the
9 amount of such expenses not directly attributable to any such group.

10 2. For fiscal years 2008, 2009, and 2010, the public counsel shall allocate to each
11 such group of public utilities a share of the estimated expenses for each year using the same
12 allocation as the public service commission. For each fiscal year after fiscal year 2010, the
13 public counsel shall allocate to each such group of public utilities the estimated expenses
14 directly attributable to the regulation of such group and an amount equal to such
15 proportion of the estimated expenses not directly attributable to any group as the gross

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 intrastate operating revenues of such group during the three preceding calendar year bears
17 to the total gross intrastate operating revenues of all public utilities subject to the
18 jurisdiction of the commission, during such calendar years. The commission shall then
19 assess, on behalf of the public counsel, the amount so allocated to each group of public
20 utilities, subject to reduction as provided in this section, to the public utilities in such group
21 in proportion to their respective gross intrastate operating revenues during the preceding
22 calendar year. The total amount so assessed to all such public utilities shall not exceed two
23 hundredths of one percent of the total gross intrastate operating revenues of all utilities
24 subject to the jurisdiction of the commission. Notwithstanding subsection 2 of section
25 386.370 to the contrary, the total assessment for both the public counsel and the
26 commission shall not exceed one-fourth of one percent of the total gross intrastate
27 operating revenues of all utilities subject to the jurisdiction of the commission.

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

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

48 5. In order to enable the public counsel to make the allocations and assessments
49 provided for in this section, each public utility subject to the jurisdiction of the commission
50 shall file with the commission on or before March thirty-first of each year, a statement
51 under oath showing its gross intrastate operating revenues for the preceding calendar year,

52 **and if any public utility shall fail to file such statement within the time established in this**
53 **subsection, the commission shall estimate such revenue and such estimate shall be binding**
54 **on such public utility for the purpose of this section.**

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