

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 780
93RD GENERAL ASSEMBLY

Reported from the Committee on Utilities April 27, 2006 with recommendation that House Committee Substitute for Senate Bill No. 780 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4125L.04C

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. Nothing in
28 this section shall authorize the public service commission to determine how the office of
29 public counsel allocates the estimated expenses directly attributable to the regulation of
30 public utilities described in subsection 1 of this section or how the assessment imposed
31 under this section is spent by the office of public counsel.

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

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

52 **5. In order to enable the public counsel to make the allocations and assessments**
53 **provided for in this section, each public utility subject to the jurisdiction of the commission**
54 **shall file with the commission on or before March thirty-first of each year, a statement**
55 **under oath showing its gross intrastate operating revenues for the preceding calendar year,**
56 **and if any public utility shall fail to file such statement within the time established in this**
57 **subsection, the commission shall estimate such revenue and such estimate shall be binding**
58 **on such public utility for the purpose of this section.**

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