

HB 1728 -- UTILITY PAYMENTS TO PUBLIC COUNSEL FUND

SPONSOR: Rector

COMMITTEE ACTION: Voted "do pass" by the Committee on Utilities by a vote of 9 to 6.

This bill creates an assessment-based funding mechanism for the Office of the Public Counsel within the Department of Economic Development similar to that currently utilized by the Missouri Public Service Commission. Prior to the beginning of each fiscal year, the counsel will present to the commission its estimated expenses attributable to the regulation of public utilities under Section 386.020, RSMo.

A three-year phase-in will allow the counsel to utilize allocations from the commission for its assessments. After Fiscal Year 2010, those allocations will be based upon information maintained by the counsel. The calculation of the assessments is specified in the bill. The total amount of the counsel's assessment cannot exceed two hundredths of 1% of the total gross intrastate operating revenues of all regulated utilities. The total amount of assessments from both the counsel and the commission cannot exceed one-fourth of 1% of the total gross intrastate operating revenues of all regulated utilities. In order to allow these calculations, every regulated utility must file a statement of its gross intrastate operating revenues on or before March 31 with the commission.

The assessments rendered by the counsel will be made available to the utilities on or before July 1 with the payment due either on or before July 15 or in four equal installments throughout the fiscal year. The moneys from the assessments will be deposited into the newly created Public Counsel Fund. Moneys remaining in the fund will not revert to the General Revenue Fund.

FISCAL NOTE: Estimated Income on General Revenue Fund of \$0 in FY 2007, \$803,630 in FY 2008, and \$1,099,564 in FY 2009. No impact on Other State Funds in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say that the bill will provide the Office of Public Counsel with stable funding instead of dealing with the fluctuations in appropriations that has occurred in the past. The assessment-based funding mechanism is used in one-third of the states. The bill will not cause utilities additional costs but will benefit its customers.

Testifying for the bill were Representative Rector; Office of Public Counsel, Department of Economic Development; Missouri Energy Development Association; and AARP.

OPPONENTS: There was no opposition voiced to the committee.

Jason Glahn, Legislative Analyst