

FIRST REGULAR SESSION

# HOUSE BILL NO. 637

## 94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DEMPSEY.

Read 1st time January 29, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1826L.01I

### AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to utility service, with a penalty provision.

*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 386.950, to read as follows:

**386.950. 1. Any electrical corporation that is a public utility regulated by the**  
2 **Missouri public service commission under this chapter shall be subject to the requirements**  
3 **of this section.**

4 **2. If an electrical corporation fails to provide electrical service for a period of at**  
5 **least forty-eight hours to any customer who is being charged for electrical service to a**  
6 **private, noncommercial residence, then such corporation shall provide that customer with**  
7 **a fifty dollar credit to the customer's account and credit the account for any actual costs**  
8 **incurred by the customer as a result of the failure to provide electrical service.**

9 **3. If an electrical corporation fails to provide electrical service for a period of at**  
10 **least one week to any customer who is being charged for electrical service to a private,**  
11 **noncommercial residence, then such corporation shall provide that customer with a one**  
12 **hundred dollar credit to the customer's account and credit the account for any actual costs**  
13 **incurred by the customer as a failure to provide electrical service.**

14 **4. Subsections 2 and 3 of this section shall not apply if the failure to provide**  
15 **electrical service is a result of the customer's failure to pay for electrical utilities. The**

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 public service commission shall have complete discretion to waive the credits imposed  
17 under subsections 2 and 3 of this section.

18       5. Beginning January 1, 2008, if an electrical corporation fails to provide electrical  
19 service to a service area for three separate periods of at least forty-eight hours during a  
20 single year, then such corporation shall be subject to a separate two thousand dollar fine  
21 for each private, noncommercial residence without power that is located in the service  
22 area. The fine shall be imposed for each day after the second day of the third period of  
23 noncompliance during a single year that the electrical corporation fails to provide service  
24 to a service area. The public service commission shall not have the discretion to waive the  
25 fines imposed under this section.

26       6. All fines collected under subsection 5 of this section shall be transferred to the  
27 county commission that administers the school funds for each county under the authority  
28 of section 166.131, RSMo. Each two thousand dollar fine shall be distributed by the county  
29 commission to the school district in which the noncommercial residence that was the basis  
30 for the fine is located. The county commission shall distribute the fines starting September  
31 13, 2008, and on or before September thirteenth for each year thereafter.

32       7. The Missouri public service commission shall promulgate rules to implement the  
33 provisions of this section. Any rule or portion of a rule, as that term is defined in section  
34 536.010, RSMo, that is created under the authority delegated in this section shall become  
35 effective only if it complies with and is subject to all of the provisions of chapter 536,  
36 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are  
37 nonseverable and if any of the powers vested with the general assembly under chapter 536,  
38 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are  
39 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
40 proposed or adopted after August 28, 2007, shall be invalid and void.

41       8. All cases and controversies arising under this section and any complaints alleging  
42 violations of this section shall be heard in accordance with the procedures before the public  
43 service commission and courts specified in this chapter.

✓