

SECOND REGULAR SESSION

HOUSE BILL NO. 2468

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHOELLER (Sponsor), EMERY, VIEBROCK, BIVINS,
GEORGE, LEMBKE, LAMPE, SKAGGS, SMITH (14), WALSH AND ZIMMERMAN (Co-sponsors).

Read 1st time March 26, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5563L.01I

AN ACT

To repeal section 393.170, RSMo, and to enact in lieu thereof one new section relating to the authority of the public service commission.

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

Section A. Section 393.170, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 393.170, to read as follows:

393.170. 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system without first having obtained the permission and approval of the commission.

2. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.

3. The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. The commission may by its order impose such condition or conditions as it may deem reasonable and

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.

15 necessary. Unless exercised within a period of two years from the grant thereof, authority
16 conferred by such certificate of convenience and necessity issued by the commission shall be null
17 and void.

18 **4. The commission shall have the authority to grant the permission and approval**
19 **specified in this section after the construction or acquisition of any gas plant, electric plant,**
20 **water system, or sewer system has begun or has been completed if the commission**
21 **determines that the grant of such permission and approval is necessary or convenient for**
22 **the public service. Any such permission and approval shall, for all purposes, have the same**
23 **effect as the permission and approval granted prior to such construction or acquisition.**

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