

SECOND REGULAR SESSION

# HOUSE BILL NO. 2095

## 95TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE EMERY.

5004L.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 386.210, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

---

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

Section A. Section 386.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.210, to read as follows:

386.210. 1. The commission may confer in person, or by correspondence, by attending conventions, or in any other way, with the members of the public, any public utility or similar commission of this and other states and the United States of America, or any official, agency or instrumentality thereof, on any matter relating to the performance of its duties.

2. Such communications may address any issue that at the time of such communication is not the subject of a case that has been filed with the commission.

3. Such communications may also address substantive or procedural matters that are the subject of a pending filing or case in which no evidentiary hearing has been scheduled, provided that the communication:

(1) Is made at a public agenda meeting of the commission where such matter has been posted in advance as an item for discussion or decision;

(2) Is made at a forum where representatives of the public utility affected thereby, the office of public counsel, and any other party to the case are present; or

(3) If made outside such agenda meeting or forum, is subsequently disclosed to the public utility, the office of the public counsel, and any other party to the case in accordance with the following procedure:

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.

17 (a) If the communication is written, the person or party making the communication shall  
18 no later than the next business day following the communication file a copy of the written  
19 communication in the official case file of the pending filing or case and serve it upon all parties  
20 of record;

21 (b) If the communication is oral, the party making the oral communication shall no later  
22 than the next business day following the communication file a memorandum in the official case  
23 file of the pending case disclosing the communication and serve such memorandum on all parties  
24 of record. The memorandum must contain a summary of the substance of the communication  
25 and not merely a listing of the subjects covered.

26 4. Nothing in this section or any other provision of law shall be construed as imposing  
27 any limitation on the free exchange of ideas, views, and information between any person and the  
28 commission or any commissioner, provided that such communications relate to matters of  
29 general regulatory policy and do not address the merits of the specific facts, evidence, claims,  
30 or positions presented or taken in a pending case unless such communications comply with the  
31 provisions of subsection 3 of this section.

32 5. The commission and any commissioner may also advise any member of the general  
33 assembly or other governmental official of the issues or factual allegations that are the subject  
34 of a pending case, provided that the commission or commissioner does not express an opinion  
35 as to the merits of such issues or allegations, and may discuss in a public agenda meeting with  
36 parties to a case in which an evidentiary hearing has been scheduled, any procedural matter in  
37 such case or any matter relating to a unanimous stipulation or agreement resolving all of the  
38 issues in such case.

39 6. The commission may enter into and establish fair and equitable cooperative  
40 agreements or contracts with or act as an agent or licensee for the United States of America, or  
41 any official, agency or instrumentality thereof, or any public utility or similar commission of  
42 other states, that are proper, expedient, fair and equitable and in the interest of the state of  
43 Missouri and the citizens thereof, for the purpose of carrying out its duties pursuant to section  
44 386.250 as limited and supplemented by section 386.030 and to that end the commission may  
45 receive and disburse any contributions, grants or other financial assistance as a result of or  
46 pursuant to such agreements or contracts. Any contributions, grants or other financial assistance  
47 so received shall be deposited in the public service commission utility fund or the state highway  
48 commission fund depending upon the purposes for which they are received.

49 7. The commission may make joint investigations, hold joint hearings within or without  
50 the state, and issue joint or concurrent orders in conjunction or concurrence with any railroad,  
51 public utility or similar commission, of other states or the United States of America, or any  
52 official, agency or any instrumentality thereof, except that in the holding of such investigations

53 or hearings, or in the making of such orders, the commission shall function under agreements or  
54 contracts between states or under the concurrent power of states to regulate interstate commerce,  
55 or as an agent of the United States of America, or any official, agency or instrumentality thereof,  
56 or otherwise.

57 **8. The commission may appear in and participate in any federal or state**  
58 **administrative, regulatory, or judicial proceeding. This subsection applies to all**  
59 **proceedings now pending or commenced after the effective date of this section.**

✓