

SECOND REGULAR SESSION

HOUSE BILL NO. 2196

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CURTIS.

6425L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to 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 known as section 386.715, to read as follows:

- 386.715. 1. The public counsel shall, prior to the beginning of each fiscal year, make available to the commission an estimate of the expenses to be incurred by the public counsel during such fiscal year, reasonably attributable to his or her responsibilities under sections 386.700 and 386.710 and shall also separately estimate the amount of such expenses directly attributable to such responsibilities with respect to each of the following groups of public utilities: electrical corporations, gas corporations, water corporations, heating companies, telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.**
- 2. The public counsel shall allocate to each such group of public utilities the estimated expenses directly attributable to his or her responsibilities under sections 386.700 and 386.710 with respect to such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the three preceding calendar years bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission during such calendar years. The commission shall then assess, on behalf of the public counsel, the amount so allocated to each group of public utilities, subject to reduction as provided in this section, to the public utilities in such group in proportion to**

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.

19 its respective gross intrastate operating revenues during the preceding calendar year. The
20 amount assessed shall not exceed one-eighth of one percent. Nothing in this section shall
21 authorize the commission to determine how the public counsel allocates the estimated
22 expenses directly attributable to his or her responsibilities under sections 386.700 and
23 386.710 or how the assessment imposed under this section is spent by the public counsel.

24 3. On behalf of the public counsel, the commission shall render a statement of such
25 assessment to each such public utility on or before July first and the amount so assessed
26 to each such public utility shall be paid by it to the director of revenue in full on or before
27 July fifteenth next following the rendition of such statement, except that any such public
28 utility may at its election pay such assessment in four equal installments not later than the
29 following dates next following the rendition of such statement, to wit: July fifteenth,
30 October fifteenth, January fifteenth, and April fifteenth. The director of revenue shall
31 remit such payments to the state treasurer.

32 4. The state treasurer shall credit such payments to a special fund, which is hereby
33 created, to be known as "The Public Counsel Fund", which fund, or its successor fund
34 created under section 33.571, shall be devoted solely to the payment of expenditures
35 actually incurred by the public counsel and attributable to his or her responsibilities under
36 sections 386.700 and 386.710. Any amount remaining in such special fund or its successor
37 fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be
38 applicable to the payment of such expenditures of the public counsel in the succeeding
39 fiscal year and shall be applied by the public counsel to the reduction of the amount to be
40 assessed to such public utilities in such succeeding fiscal year, such reduction to be
41 allocated to each group of public utilities in proportion to the respective gross intrastate
42 operating revenues of the respective groups during the preceding calendar year.

43 5. In order to enable the public counsel to make the allocations and assessments
44 provided for in this section, each public utility subject to the jurisdiction of the commission
45 shall file with the commission on or before March thirty-first of each year, a statement
46 under oath showing its gross intrastate operating revenues for the preceding calendar year,
47 and if any public utility shall fail to file such statement within the time established in this
48 subsection, the commission shall estimate such revenue. Such estimate shall be binding on
49 such public utility for the purpose of this section.

50 6. (1) The commission, on behalf of the public counsel, may adopt rules
51 establishing charges for copies of papers and records, official documents, and orders filed,
52 certified copies of evidence and proceedings taken before the commission, and the
53 transmission by electronic transmittal of papers, records, evidence and transcripts,
54 diskettes, and other documents or papers for which requests for copies are received. Fees

55 charged for copies of papers and records shall comply with the provisions of section
56 610.026.

57 (2) No fees shall be charged or collected for copies of papers, records, or official
58 documents furnished to public officers for use in their official capacity.

59 (3) All fees collected under subdivision (1) of this subsection shall be deposited to
60 the credit of the public counsel fund from which the expenses of furnishing the copies listed
61 in subdivision (1) of this subsection are paid and shall be used by the public counsel to
62 offset such expenses.

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