

House _____ Amendment NO. _____

Offered By

AMEND House Committee Substitute for House Bill No. 287, Page 9, Section 386.020, Line 301,
by inserting after said section and line the following:

"386.135. 1. The commission ~~[shall have]~~ may retain an independent technical advisory staff of up to ~~[six]~~ ten full-time employees. The technical advisory staff shall have expertise in accounting, economics, finance, engineering/utility operations, law, or public policy.

2. In addition, each commissioner ~~[shall]~~ may also ~~[have the authority to]~~ retain one personal advisor~~[, who shall be deemed a member of the technical advisory staff]~~. The personal advisors ~~[will]~~ shall serve at the pleasure of the individual commissioner whom they serve and shall possess expertise in one or more of the following fields: accounting, economics, finance, engineering/utility operations, law, or public policy.

3. The commission shall only ~~[hire technical]~~ establish advisory staff positions pursuant to subsections 1 and 2 of this section if there is a corresponding elimination in comparable staff positions for commission staff to offset the hiring of such ~~[technical]~~ advisory staff on a cost-neutral basis. ~~[Such technical advisory staff shall be hired on or before July 1, 2005.]~~

4. It shall be the duty of the ~~[technical]~~ advisory staff to render advice and assistance to the commissioners and the commission's administrative law judges on technical matters within their respective areas of expertise that may arise during the course of proceedings before the commission. Communications with the technical advisory staff or the personal advisors regarding deliberations by the commission or matters that may arise during the course of proceedings before the commission shall be deemed privileged and protected from disclosure.

5. The technical advisory staff shall also update the commission and the commission's administrative law judges periodically on developments and trends in public utility regulation, including updates comparing the use, nature, and effect of various regulatory practices and procedures as employed by the commission and public utility commissions in other jurisdictions.

6. Each member of the technical advisory staff and the personal advisors shall be subject to any applicable ex parte or conflict of interest requirements in the same manner and to the same degree as any commissioner~~[, provided that neither any person regulated by, appearing before, or employed by the commission shall be permitted to offer such member a different appointment or position during that member's tenure on the technical advisory staff.]~~

~~7. No employee of a company or corporation regulated by the public service commission, no employee of the office of public counsel or the public counsel, and no staff members of either the utility operations division or utility services division who were an employee or staff member on, during the two years immediately preceding, or anytime after August 28, 2003, may be a member of the commission's technical advisory staff for two years following the termination of their employment with the corporation, office of public counsel or commission staff member].~~ All

Action Taken _____ Date _____

1 technical advisory staff members and the personal advisors who were previously employees of
2 entities regulated by or appearing before the commission shall be precluded from advising the
3 commission on cases in which the technical advisory staff member or personal advisor participated
4 while employed by the entity.

5 ~~[8:]~~ 7. The technical advisory staff and personal advisors shall never be a party to any case
6 before the commission."; and

7
8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.