

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 287
100TH GENERAL ASSEMBLY

0765H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 386.020, RSMo, and to enact in lieu thereof two new sections relating to electric vehicle charging stations.

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

Section A. Section 386.020, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 386.020 and 1, to read as follows:

386.020. As used in this chapter, the following words and phrases mean:

- (1) "Alternative local exchange telecommunications company", a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995;
- (2) "Alternative operator services company", any certificated interexchange telecommunications company which receives more than forty percent of its annual Missouri intrastate telecommunications service revenues from the provision of operator services pursuant to operator services contracts with traffic aggregators;
- (3) "Basic interexchange telecommunications service" includes, at a minimum, two-way switched voice service between points in different local calling scopes as determined by the commission and shall include other services as determined by the commission by rule upon periodic review and update;
- (4) "Basic local telecommunications service", two-way switched voice service within a local calling scope as determined by the commission comprised of any of the following services and their recurring and nonrecurring charges:
- (a) Multiparty, single line, including installation, touchtone dialing, and any applicable mileage or zone charges;

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 (b) Assistance programs for installation of, or access to, basic local telecommunications
20 services for qualifying economically disadvantaged or disabled customers or both, including, but
21 not limited to, lifeline services and link-up Missouri services for low-income customers or
22 dual-party relay service for the hearing impaired and speech impaired;

23 (c) Access to local emergency services including, but not limited to, 911 service
24 established by local authorities;

25 (d) Access to basic local operator services;

26 (e) Access to basic local directory assistance;

27 (f) Standard intercept service;

28 (g) Equal access to interexchange carriers consistent with rules and regulations of the
29 Federal Communications Commission;

30 (h) One standard white pages directory listing.

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32 Basic local telecommunications service does not include optional toll-free calling outside a local
33 calling scope but within a community of interest, available for an additional monthly fee or the
34 offering or provision of basic local telecommunications service at private shared-tenant service
35 locations;

36 (5) "Cable television service", the one-way transmission to subscribers of video
37 programming or other programming service and the subscriber interaction, if any, which is
38 required for the selection of such video programming or other programming service;

39 (6) "Carrier of last resort", any telecommunications company which is obligated to offer
40 basic local telecommunications service to all customers who request service in a geographic area
41 defined by the commission and cannot abandon this obligation without approval from the
42 commission;

43 (7) "Commission", the "Public Service Commission" hereby created;

44 (8) "Commissioner", one of the members of the commission;

45 (9) "Competitive telecommunications company", a telecommunications company which
46 has been classified as such by the commission pursuant to section 392.245 or 392.361;

47 (10) "Competitive telecommunications service", a telecommunications service which
48 has been classified as such by the commission pursuant to section 392.245 or to section 392.361,
49 or which has become a competitive telecommunications service pursuant to section 392.370;

50 (11) "Corporation" includes a corporation, company, association and joint stock
51 association or company;

52 (12) "Customer-owned pay telephone", a privately owned telecommunications device
53 that is not owned, leased or otherwise controlled by a local exchange telecommunications
54 company and which provides telecommunications services for a use fee to the general public;

55 (13) "Effective competition" shall be determined by the commission based on:

56 (a) The extent to which services are available from alternative providers in the relevant
57 market;

58 (b) The extent to which the services of alternative providers are functionally equivalent
59 or substitutable at comparable rates, terms and conditions;

60 (c) The extent to which the purposes and policies of chapter 392, including the
61 reasonableness of rates, as set out in section 392.185, are being advanced;

62 (d) Existing economic or regulatory barriers to entry; and

63 (e) Any other factors deemed relevant by the commission and necessary to implement
64 the purposes and policies of chapter 392;

65 (14) "Electric plant" includes all real estate, fixtures and personal property operated,
66 controlled, owned, used or to be used for or in connection with or to facilitate the generation,
67 transmission, distribution, sale or furnishing of electricity for light, heat or power; and any
68 conduits, ducts or other devices, materials, apparatus or property for containing, holding or
69 carrying conductors used or to be used for the transmission of electricity for light, heat or power;

70 (15) **"Electric vehicle charging station", electric plant used for the sale of electricity**
71 **to the public for the propulsion of battery-operated or hybrid motor vehicles, vessels,**
72 **railroads, or other related equipment and services;**

73 (16) "Electrical corporation" includes every corporation, company, association, joint
74 stock company or association, partnership and person, their lessees, trustees or receivers
75 appointed by any court whatsoever, other than a railroad, light rail or street railroad corporation
76 generating electricity solely for railroad, light rail or street railroad purposes or for the use of its
77 tenants and not for sale to others, owning, operating, controlling or managing any electric plant
78 except where electricity is generated or distributed by the producer solely on or through private
79 property for railroad, light rail or street railroad purposes or for its own use or the use of its
80 tenants and not for sale to others. **The term "electrical corporation" shall not include:**

81 (a) **Municipally owned electric utilities operating under chapter 91;**

82 (b) **Rural electric cooperatives operating under chapter 394;**

83 (c) **Persons or corporations, not otherwise engaged in the sale of electricity at**
84 **wholesale or retail, that own, control, operate, or manage equipment that supplies**
85 **electricity exclusively for the service of charging an electric vehicle;**

86 ~~[(16)]~~ (17) "Exchange", a geographical area for the administration of
87 telecommunications services, established and described by the tariff of a telecommunications
88 company providing basic local telecommunications service;

89 ~~[(17)]~~ (18) "Exchange access service", a service provided by a local exchange
90 telecommunications company which enables a telecommunications company or other customer

91 to enter and exit the local exchange telecommunications network in order to originate or
92 terminate interexchange telecommunications service;

93 ~~[(18)]~~ **(19)** "Gas corporation" includes every corporation, company, association, joint
94 stock company or association, partnership and person, their lessees, trustees or receivers
95 appointed by any court whatsoever, owning, operating, controlling or managing any gas plant
96 operating for public use under privilege, license or franchise now or hereafter granted by the state
97 or any political subdivision, county or municipality thereof;

98 ~~[(19)]~~ **(20)** "Gas plant" includes all real estate, fixtures and personal property owned,
99 operated, controlled, used or to be used for or in connection with or to facilitate the manufacture,
100 distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power;

101 ~~[(20)]~~ **(21)** "Heating company" includes every corporation, company, association, joint
102 stock company or association, partnership and person, their lessees, trustees or receivers,
103 appointed by any court whatsoever, owning, operating, managing or controlling any plant or
104 property for manufacturing and distributing and selling, for distribution, or distributing hot or
105 cold water, steam or currents of hot or cold air for motive power, heating, cooking, or for any
106 public use or service, in any city, town or village in this state; provided, that no agency or
107 authority created by or operated pursuant to an interstate compact established pursuant to section
108 70.370 shall be a heating company or subject to regulation by the commission;

109 ~~[(21)]~~ **(22)** "High-cost area", a geographic area, which shall follow exchange boundaries
110 and be no smaller than an exchange nor larger than a local calling scope, where the cost of
111 providing basic local telecommunications service as determined by the commission, giving due
112 regard to recovery of an appropriate share of joint and common costs as well as those costs
113 related to carrier of last resort obligations, exceeds the rate for basic local telecommunications
114 service found reasonable by the commission;

115 ~~[(22)]~~ **(23)** "Incumbent local exchange telecommunications company", a local exchange
116 telecommunications company authorized to provide basic local telecommunications service in
117 a specific geographic area as of December 31, 1995, or a successor in interest to such a company;

118 ~~[(23)]~~ **(24)** "Interconnected voice over internet protocol service", service that:

- 119 (a) Enables real-time, two-way voice communications;
120 (b) Requires a broadband connection from the user's location;
121 (c) Requires internet protocol-compatible customer premises equipment; and
122 (d) Permits users generally to receive calls that originate on the public switched
123 telephone network and to terminate calls to the public switched telephone network;

124 ~~[(24)]~~ **(25)** "Interexchange telecommunications company", any company engaged in the
125 provision of interexchange telecommunications service;

126 ~~[(25)]~~ **(26)** "Interexchange telecommunications service", telecommunications service
127 between points in two or more exchanges;

128 ~~[(26)]~~ **(27)** "InterLATA", interexchange telecommunications service between points in
129 different local access and transportation areas;

130 ~~[(27)]~~ **(28)** "IntraLATA", interexchange telecommunications service between points
131 within the same local access and transportation area;

132 ~~[(28)]~~ **(29)** "Light rail" includes every rail transportation system in which one or more
133 rail vehicles are propelled electrically by overhead catenary wire upon tracks located
134 substantially within an urban area and are operated exclusively in the transportation of
135 passengers and their baggage, and including all bridges, tunnels, equipment, switches, spurs,
136 tracks, stations, used in connection with the operation of light rail;

137 ~~[(29)]~~ **(30)** "Line" includes route;

138 ~~[(30)]~~ **(31)** "Local access and transportation area" or "LATA", contiguous geographic
139 area approved by the U.S. District Court for the District of Columbia in United States v. Western
140 Electric, Civil Action No. 82-0192 that defines the permissible areas of operations for the Bell
141 Operating companies;

142 ~~[(31)]~~ **(32)** "Local exchange telecommunications company", any company engaged in
143 the provision of local exchange telecommunications service. A local exchange
144 telecommunications company shall be considered a "large local exchange telecommunications
145 company" if it has at least one hundred thousand access lines in Missouri and a "small local
146 exchange telecommunications company" if it has less than one hundred thousand access lines
147 in Missouri;

148 ~~[(32)]~~ **(33)** "Local exchange telecommunications service", telecommunications service
149 between points within an exchange;

150 ~~[(33)]~~ **(34)** "Long-run incremental cost", the change in total costs of the company of
151 producing an increment of output in the long run when the company uses least cost technology,
152 and excluding any costs that, in the long run, are not brought into existence as a direct result of
153 the increment of output. The relevant increment of output shall be the level of output necessary
154 to satisfy total current demand levels for the service in question, or, for new services, demand
155 levels that can be demonstrably anticipated;

156 ~~[(34)]~~ **(35)** "Municipality" includes a city, village or town;

157 ~~[(35)]~~ **(36)** "Nonbasic telecommunications services" shall be all regulated
158 telecommunications services other than basic local and exchange access telecommunications
159 services, and shall include the services identified in paragraphs (d) and (e) of subdivision (4) of
160 this section. Any retail telecommunications service offered for the first time after August 28,

1996, shall be classified as a nonbasic telecommunications service, including any new service which does not replace an existing service;

~~[(36)]~~ **(37)** "Noncompetitive telecommunications company", a telecommunications company other than a competitive telecommunications company or a transitionally competitive telecommunications company;

~~[(37)]~~ **(38)** "Noncompetitive telecommunications service", a telecommunications service other than a competitive or transitionally competitive telecommunications service;

~~[(38)]~~ **(39)** "Operator services", operator-assisted interexchange telecommunications service by means of either human or automated call intervention and includes, but is not limited to, billing or completion of calling card, collect, person-to-person, station-to-station or third number billed calls;

~~[(39)]~~ **(40)** "Operator services contract", any agreement between a traffic aggregator and a certificated interexchange telecommunications company to provide operator services at a traffic aggregator location;

~~[(40)]~~ **(41)** "Person" includes an individual, and a firm or copartnership;

~~[(41)]~~ **(42)** "Private shared tenant services" includes the provision of telecommunications and information management services and equipment within a user group located in discrete private premises as authorized by the commission by a commercial-shared services provider or by a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of local exchange telecommunications companies and to interexchange telecommunications companies;

~~[(42)]~~ **(43)** "Private telecommunications system", a telecommunications system controlled by a person or corporation for the sole and exclusive use of such person, corporation or legal or corporate affiliate thereof;

~~[(43)]~~ **(44)** "Public utility" includes every pipeline corporation, gas corporation, electrical corporation, telecommunications company, water corporation, ~~[heat]~~ **heating company** or refrigerating corporation, and sewer corporation, as these terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this chapter;

~~[(44)]~~ **(45)** "Railroad" includes every railroad and railway, other than street railroad or light rail, by whatsoever power operated for public use in the conveyance of persons or property for compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, real estate and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad;

196 ~~[(45)]~~ **(46)** "Railroad corporation" includes every corporation, company, association,
197 joint stock company or association, partnership and person, their lessees, trustees or receivers
198 appointed by any court whatsoever, owning, holding, operating, controlling or managing any
199 railroad ~~[or railway]~~ as defined in this section, or any cars or other equipment used thereon or
200 in connection therewith;

201 ~~[(46)]~~ **(47)** "Rate", every individual or joint rate, fare, toll, charge, reconsigning charge,
202 switching charge, rental or other compensation of any corporation, person or public utility, or any
203 two or more such individual or joint rates, fares, tolls, charges, reconsigning charges, switching
204 charges, rentals or other compensations of any corporation, person or public utility or any
205 schedule or tariff thereof;

206 ~~[(47)]~~ **(48)** "Resale of telecommunications service", the offering or providing of
207 telecommunications service primarily through the use of services or facilities owned or provided
208 by a separate telecommunications company, but does not include the offering or providing of
209 private shared tenant services;

210 ~~[(48)]~~ **(49)** "Service" includes not only the use and accommodations afforded consumers
211 or patrons, but also any product or commodity furnished by any corporation, person or public
212 utility and the plant, equipment, apparatus, appliances, property and facilities employed by any
213 corporation, person or public utility in performing any service or in furnishing any product or
214 commodity and devoted to the public purposes of such corporation, person or public utility, and
215 to the use and accommodation of consumers or patrons;

216 ~~[(49)]~~ **(50)** "Sewer corporation" includes every corporation, company, association, joint
217 stock company or association, partnership or person, their lessees, trustees or receivers appointed
218 by any court, owning, operating, controlling or managing any sewer system, plant or property,
219 for the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain,
220 except that the term shall not include sewer systems with fewer than twenty-five outlets;

221 ~~[(50)]~~ **(51)** "Sewer system" includes all pipes, pumps, canals, lagoons, plants, structures
222 and appliances, and all other real estate, fixtures and personal property, owned, operated,
223 controlled or managed in connection with or to facilitate the collection, carriage, treatment and
224 disposal of sewage for municipal, domestic or other beneficial or necessary purpose;

225 ~~[(51)]~~ **(52)** "Street railroad" includes every railroad by whatsoever type of power
226 operated, and all extensions and branches thereof and supplementary facilities thereto by
227 whatsoever type of vehicle operated, for public use in the conveyance of persons or property for
228 compensation, mainly providing local transportation service upon the streets, highways and
229 public places in a municipality, or in and adjacent to a municipality, and including all cars, buses
230 and other rolling stock, equipment, switches, spurs, tracks, poles, wires, conduits, cables,
231 subways, tunnels, stations, terminals and real estate of every kind used, operated or owned in

connection therewith but this term shall not include light rail as defined in this section; and the term "street railroad" when used in this chapter shall also include all motor bus and trolley bus lines and routes and similar local transportation facilities, and the rolling stock and other equipment thereof and the appurtenances thereto, when operated as a part of a street railroad or trolley bus local transportation system, or in conjunction therewith or supplementary thereto, but such term shall not include a railroad constituting or used as part of a trunk line railroad system and any street railroad as defined above which shall be converted wholly to motor bus operation shall nevertheless continue to be included within the term street railroad as used herein;

~~[(52)]~~ **(53)** "Telecommunications company" includes telephone corporations as that term is used in the statutes of this state and every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any facilities used to provide telecommunications service for hire, sale or resale within this state;

~~[(53)]~~ **(54)** "Telecommunications facilities" includes lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances and all devices, real estate, easements, apparatus, property and routes used, operated, controlled or owned by any telecommunications company to facilitate the provision of telecommunications service;

~~[(54)]~~ **(55)** "Telecommunications service", the transmission of information by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include:

(a) The rent, sale, lease, or exchange for other value received of customer premises equipment except for customer premises equipment owned by a telephone company certificated or otherwise authorized to provide telephone service prior to September 28, 1987, and provided under tariff or in inventory on January 1, 1983, which must be detariffed no later than December 31, 1987, and thereafter the provision of which shall not be a telecommunications service, and except for customer premises equipment owned or provided by a telecommunications company and used for answering 911 or emergency calls;

(b) Answering services and paging services;

(c) The offering of radio communication services and facilities when such services and facilities are provided under a license granted by the Federal Communications Commission under the commercial mobile radio services rules and regulations;

(d) Services provided by a hospital, hotel, motel, or other similar business whose principal service is the provision of temporary lodging through the owning or operating of message switching or billing equipment solely for the purpose of providing at a charge telecommunications services to its temporary patients or guests;

268 (e) Services provided by a private telecommunications system;
269 (f) Cable television service;
270 (g) The installation and maintenance of inside wire within a customer's premises;
271 (h) Electronic publishing services;
272 (i) Services provided pursuant to a broadcast radio or television license issued by the
273 Federal Communications Commission; or
274 (j) Interconnected voice over internet protocol service;
275 ~~[(55)]~~ (56) "Telephone cooperative", every corporation defined as a telecommunications
276 company in this section, in which at least ninety percent of those persons and corporations
277 subscribing to receive local telecommunications service from the corporation own at least ninety
278 percent of the corporation's outstanding and issued capital stock and in which no subscriber owns
279 more than two shares of the corporation's outstanding and issued capital stock;
280 ~~[(56)]~~ (57) "Traffic aggregator", any person, firm, partnership or corporation which
281 furnishes a telephone for use by the public and includes, but is not limited to, telephones located
282 in rooms, offices and similar locations in hotels, motels, hospitals, colleges, universities, airports
283 and public or customer-owned pay telephone locations, whether or not coin operated;
284 ~~[(57)]~~ (58) "Transitionally competitive telecommunications company", an interexchange
285 telecommunications company which provides any noncompetitive or transitionally competitive
286 telecommunications service, except for an interexchange telecommunications company which
287 provides only noncompetitive telecommunications service;
288 ~~[(58)]~~ (59) "Transitionally competitive telecommunications service", a
289 telecommunications service offered by a noncompetitive or transitionally competitive
290 telecommunications company and classified as transitionally competitive by the commission
291 pursuant to section 392.361 or 392.370;
292 ~~[(59)]~~ (60) "Water corporation" includes every corporation, company, association, joint
293 stock company or association, partnership and person, their lessees, trustees, or receivers
294 appointed by any court whatsoever, owning, operating, controlling or managing any plant or
295 property, dam or water supply, canal, or power station, distributing or selling for distribution, or
296 selling or supplying for gain any water;
297 ~~[(60)]~~ (61) "Water system" includes all reservoirs, tunnels, shafts, dams, dikes,
298 headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and
299 personal property, owned, operated, controlled or managed in connection with or to facilitate the
300 diversion, development, storage, supply, distribution, sale, furnishing or carriage of water for
301 municipal, domestic or other beneficial use.

Section 1. For purposes of sections 91.025, 386.800, 393.106, 394.080, and 394.315
2 **only, when municipally owned electric utilities or rural electric cooperatives are lawfully**

3 providing electric service to structures outside of their respective service area boundaries,
4 an electric vehicle charging station reasonably proximate to such structure served by such
5 municipally owned electric utility or rural electric cooperative shall be considered a
6 contiguous or adjacent addition to or an expansion of an existing structure.

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