

FIRST REGULAR SESSION

HOUSE BILL NO. 1198

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLACK.

2414H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 386.370, RSMo, and to enact in lieu thereof one new section relating to assessments against public utilities.

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

Section A. Section 386.370, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.370, to read as follows:

386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393 and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: electrical corporations, gas corporations, water corporations, heating companies and 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. For purposes of this section, water corporations and sewer corporations will be combined and considered one group of public utilities.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of 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 preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the

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.

18 amount so allocated to each group of public utilities, subject to reduction as herein provided,
19 to the public utilities in such group in proportion to their respective gross intrastate operating
20 revenues during the preceding calendar year, except that the total amount so assessed to all
21 such public utilities shall not exceed three hundred fifteen thousandths of one percent of the
22 total gross intrastate operating revenues of all utilities subject to the jurisdiction of the
23 commission. **Beginning January 1, 2024, the total amount assessed on the total gross**
24 **intrastate operating revenues of all utilities subject to the jurisdiction of the commission**
25 **shall not exceed three hundred fifty thousandths of one percent and shall increase every**
26 **two years thereafter by one hundredth of one percent until such time as the maximum**
27 **amount available to be assessed is equal to one-half of one percent. All corporations**
28 **subject to the jurisdiction of the commission shall defer to an asset or liability account**
29 **any difference in the assessment actually incurred and those on which the revenue**
30 **requirement used to set rates in the corporation's most recently completed general rate**
31 **proceeding was based. The asset or liability account balances shall be included in the**
32 **revenue requirement used to set rates through an amortization over a reasonable period**
33 **of time in such corporation's subsequent general rate proceedings. The commission**
34 **shall also adjust the rate base used to establish the revenue requirement of the utility to**
35 **reflect the unamortized asset or liability account balances in such general rate**
36 **proceedings.**

37 3. The commission shall render a statement of such assessment to each such public
38 utility on or before July first and the amount so assessed to each such public utility shall be
39 paid by it to the director of revenue in full on or before July fifteenth next following the
40 rendition of such statement, except that any such public utility may at its election pay such
41 assessment in four equal installments not later than the following dates next following the
42 rendition of said statement, to wit: July fifteenth, October fifteenth, January fifteenth and
43 April fifteenth. The director of revenue shall remit such payments to the state treasurer.

44 4. The state treasurer shall credit such payments to a special fund, which is hereby
45 created, to be known as "The Public Service Commission Fund", which fund, or its successor
46 fund created pursuant to section 33.571, shall be devoted solely to the payment of
47 expenditures actually incurred by the commission and attributable to the regulation of such
48 public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount
49 remaining in such special fund or its successor fund at the end of any fiscal year shall not
50 revert to the general revenue fund, but shall be applicable by appropriation of the general
51 assembly to the payment of such expenditures of the commission in the succeeding fiscal year
52 and shall be applied by the commission to the reduction of the amount to be assessed to such
53 public utilities in such succeeding fiscal year, such reduction to be allocated to each group of

54 public utilities in proportion to the respective gross intrastate operating revenues of the
55 respective groups during the preceding calendar year.

56 5. In order to enable the commission to make the allocations and assessments herein
57 provided for, each public utility subject to the jurisdiction of the commission as aforesaid
58 shall file with the commission, within ten days after August 28, 1996, and thereafter on or
59 before March thirty-first of each year, a statement under oath showing its gross intrastate
60 operating revenues for the preceding calendar year, and if any public utility shall fail to file
61 such statement within the time aforesaid the commission shall estimate such revenue which
62 estimate shall be binding on such public utility for the purpose of this section.

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