

FIRST REGULAR SESSION

# HOUSE BILL NO. 748

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE VAN SCHOIACK.

1713H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 386.370, RSMo, and to enact in lieu thereof one new section relating to expenses of the office of the public counsel.

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Section A. Section 386.370, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.370, to read as follows: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

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

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

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

50 **6. The public counsel shall, prior to the beginning of each fiscal year beginning**  
51 **with the fiscal year commencing on July 1, 2026, make an estimate of the expenses to be**  
52 **incurred by his office during such fiscal year reasonably attributable to the performance**  
53 **of his powers, duties, and functions pursuant to sections 386.700 and 386.710 and shall**  
54 **also separately estimate the amount of such expenses directly attributable to such duties**

55 for each of the following groups of public utilities: electrical corporations, gas  
56 corporations, water corporations, heating companies and telephone corporations,  
57 telegraph corporations, sewer corporations, and any other public utility as defined in  
58 section 386.020, as well as the amount of such expenses not directly attributable to any  
59 such group. For purposes of this section, water corporations and sewer corporations  
60 will be combined and considered one group of public utilities.

61 7. The public counsel shall allocate to each such group of public utilities the  
62 estimated expenses directly attributable to the regulation of such group and an amount  
63 equal to such proportion of the estimated expenses not directly attributable to any  
64 group as the gross intrastate operating revenues of such group during the preceding  
65 calendar year bears to the total gross intrastate operating revenues of all public utilities  
66 subject to the jurisdiction of the commission during such calendar year. The public  
67 counsel shall then assess the amount so allocated to each group of public utilities, subject  
68 to reduction as herein provided, in proportion to their respective gross intrastate  
69 operating revenues during the preceding calendar year, except that the total amount so  
70 assessed to all such public utilities shall not exceed sixty-three thousandths of one  
71 percent of the total gross intrastate operating revenues of all utilities subject to the  
72 jurisdiction of the commission.

73 8. The public counsel shall render a statement of such assessment to each such  
74 public utility on or before July first of each year and the amount so assessed to each  
75 such public utility shall be paid by it to the director of revenue in full on or before July  
76 fifteenth next following the rendition of such statement, except that any such public  
77 utility may at its election pay such assessment in four equal installments not later than  
78 the following dates next following the rendition of such statement, to wit: July fifteenth,  
79 October fifteenth, January fifteenth, and April fifteenth. The director of revenue shall  
80 remit such payments to the state treasurer.

81 9. The state treasurer shall credit such payments to a special fund, which is  
82 hereby created, to be known as "The Office of the Public Counsel Fund", which fund, or  
83 its successor fund created pursuant to section 33.571, shall be devoted solely to the  
84 payment of expenditures actually incurred by the public counsel and attributable to the  
85 regulation of such public utilities subject to the jurisdiction of the commission. Any  
86 amount remaining in such special fund or its successor fund at the end of any fiscal year  
87 shall not revert to the general revenue fund, but shall be applicable by appropriation of  
88 the general assembly to the payment of such expenditures of the public counsel in the  
89 succeeding fiscal year and shall be applied by the public counsel to the reduction of the  
90 amount to be assessed to such public utilities in such succeeding fiscal year, such  
91 reduction to be allocated to each group of public utilities in proportion to the respective

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92 **gross intrastate operating revenues of the respective groups during the preceding**  
93 **calendar year.**

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