

HOUSE BILL NO. 3438

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BOYKO.

7388H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 393.130, RSMo, and to enact in lieu thereof one new section relating to prohibited charges by public utilities to customers.

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

Section A. Section 393.130, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 393.130, to read as follows:

393.130. 1. Every gas corporation, every electrical corporation, every water corporation, and every sewer corporation shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable. All charges made or demanded by any such gas corporation, electrical corporation, water corporation or sewer corporation for gas, electricity, water, sewer or any service rendered or to be rendered shall be just and reasonable and not more than allowed by law or by order or decision of the commission. Every unjust or unreasonable charge made or demanded for gas, electricity, water, sewer or any such service, or in connection therewith, or in excess of that allowed by law or by order or decision of the commission is prohibited.

Such unjust or unreasonable charges shall include charges or fees for:

(1) Any promotional advertising expenses by a gas corporation, electrical corporation, water corporation, or sewer corporation;

(2) Any charitable expenses by a gas corporation, electrical corporation, water corporation, or sewer corporation; and

(3) Any expenses by a gas corporation, electrical corporation, water corporation, or sewer corporation for lobbying purposes, including, but not limited to, any fees or dues paid by a gas corporation, electrical corporation, water corporation, or sewer

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 **corporation to trade organizations that perform lobbying services at the federal, state,**
19 **or local level.**

20 2. No gas corporation, electrical corporation, water corporation or sewer corporation
21 shall directly or indirectly by any special rate, rebate, drawback or other device or method,
22 charge, demand, collect or receive from any person or corporation a greater or less
23 compensation for gas, electricity, water, sewer or for any service rendered or to be rendered or
24 in connection therewith, except as authorized in this chapter, than it charges, demands,
25 collects or receives from any other person or corporation for doing a like and
26 contemporaneous service with respect thereto under the same or substantially similar
27 circumstances or conditions.

28 3. No gas corporation, electrical corporation, water corporation or sewer corporation
29 shall make or grant any undue or unreasonable preference or advantage to any person,
30 corporation or locality, or to any particular description of service in any respect whatsoever,
31 or subject any particular person, corporation or locality or any particular description of
32 service to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

33 4. Nothing in this section shall be taken to prohibit a gas corporation, electrical
34 corporation, water corporation or sewer corporation from establishing a sliding scale for a
35 fixed period for the automatic adjustment of charges for gas, electricity, water, sewer or any
36 service rendered or to be rendered and the dividends to be paid stockholders of such gas
37 corporation, electrical corporation, water corporation or sewer corporation; provided, that the
38 sliding scale shall first have been filed with and approved by the commission; but nothing in
39 this subsection shall operate to prevent the commission after the expiration of such fixed
40 period from fixing proper, just and reasonable rates and charges to be made for service as
41 authorized in sections 393.110 to 393.285.

42 5. No water corporation shall be permitted to charge any municipality or fire
43 protection district a rate for the placing and providing of fire hydrants for distribution of water
44 for use in protecting life and property from the hazards of fire within such municipality or fire
45 protection district. Nothing herein shall prevent such water corporation from including the
46 cost of placement and maintenance of such fire hydrants in its cost basis in determining a fair
47 and reasonable rate to be charged for water. Any such fee or rental charge being made for
48 such fire hydrants whether by contract or otherwise at the time this act shall take effect may
49 remain in effect for a period of one hundred twenty days after this section shall take effect.

50 6. In any home rule city with more than four hundred thousand inhabitants and
51 located in more than one county, any deposits held by the city for any water or sewerage
52 services provided to a customer at any premises shall accrue interest if the customer is current
53 in payments for water and sewerage services and if the city has held the deposit for two or
54 more years. Interest for each year, or part thereof, shall accrue at the rate set for six month

55 United States treasury bills effective December thirty-first of the preceding year. For any
56 deposit held by the city on or before the December thirty-first prior to August 28, 2002, if that
57 deposit is still held by the city on the December thirty-first one year next following August
58 28, 2002, interest accruing pursuant to this section from the effective date shall be credited to
59 the customer's individual account, or paid to the customer, at the city's discretion.

60 7. Each electrical corporation providing electric service to more than two hundred
61 fifty thousand customers shall develop and submit to the commission schedules to include in
62 the electrical corporation's service tariff applicable to customers who are reasonably projected
63 to have above an annual peak demand of one hundred megawatts or more. The schedules
64 should reasonably ensure such customers' rates will reflect the customers' representative share
65 of the costs incurred to serve the customers and prevent other customer classes' rates from
66 reflecting any unjust or unreasonable costs arising from service to such customers. Each
67 electrical corporation providing electric service to two hundred fifty thousand or fewer
68 customers as of January 1, 2025, shall develop and submit to the commission such schedules
69 applicable to customers who are reasonably projected to have above an annual peak demand
70 of fifty megawatts or more. The commission may order electrical corporations to submit
71 similar tariffs to reasonably ensure that the rates of customers who are reasonably projected to
72 have annual peak demands below the above-referenced levels will reflect the customers'
73 representative share of the costs incurred to serve the customers and prevent other customer
74 classes' rates from reflecting any unjust or unreasonable costs arising from service to such
75 customers.

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