

FIRST REGULAR SESSION

SENATE BILL NO. 597

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

2343S.01H

KRISTINA MARTIN, Secretary

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Section A. Section 386.370, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.370, to read as follows: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

19 attributable to the regulation of such group and an amount
20 equal to such proportion of the estimated expenses not
21 directly attributable to any group as the gross intrastate
22 operating revenues of such group during the preceding
23 calendar year bears to the total gross intrastate operating
24 revenues of all public utilities subject to the jurisdiction
25 of the commission, as aforesaid, during such calendar year.
26 The commission shall then assess the amount so allocated to
27 each group of public utilities, subject to reduction as
28 herein provided, to the public utilities in such group in
29 proportion to their respective gross intrastate operating
30 revenues during the preceding calendar year, except that the
31 total amount so assessed to all such public utilities shall
32 not exceed three hundred fifteen thousandths of one percent
33 of the total gross intrastate operating revenues of all
34 utilities subject to the jurisdiction of the commission.

35 **Beginning January 1, 2024, the total amount assessed on the**
36 **total gross intrastate operating revenues of all utilities**
37 **subject to the jurisdiction of the commission shall not**
38 **exceed three hundred fifty thousandths of one percent and**
39 **shall increase every two years thereafter by one hundredth**
40 **of one percent until such time as the maximum amount**
41 **available to be assessed is equal to one-half of one**
42 **percent. All corporations subject to the jurisdiction of**
43 **the commission shall defer to an asset or liability account**
44 **any difference in the assessment actually incurred and those**
45 **on which the revenue requirement used to set rates in the**
46 **corporation's most recently completed general rate**
47 **proceeding was based. The asset or liability account**
48 **balances shall be included in the revenue requirement used**
49 **to set rates through an amortization over a reasonable**
50 **period of time in such corporation's subsequent general rate**

51 **proceedings. The commission shall also adjust the rate base**
52 **used to establish the revenue requirement of the utility to**
53 **reflect the unamortized asset or liability account balances**
54 **in such general rate proceedings.**

55 3. The commission shall render a statement of such
56 assessment to each such public utility on or before July
57 first and the amount so assessed to each such public utility
58 shall be paid by it to the director of revenue in full on or
59 before July fifteenth next following the rendition of such
60 statement, except that any such public utility may at its
61 election pay such assessment in four equal installments not
62 later than the following dates next following the rendition
63 of said statement, to wit: July fifteenth, October
64 fifteenth, January fifteenth and April fifteenth. The
65 director of revenue shall remit such payments to the state
66 treasurer.

67 4. The state treasurer shall credit such payments to a
68 special fund, which is hereby created, to be known as "The
69 Public Service Commission Fund", which fund, or its
70 successor fund created pursuant to section 33.571, shall be
71 devoted solely to the payment of expenditures actually
72 incurred by the commission and attributable to the
73 regulation of such public utilities subject to the
74 jurisdiction of the commission, as aforesaid. Any amount
75 remaining in such special fund or its successor fund at the
76 end of any fiscal year shall not revert to the general
77 revenue fund, but shall be applicable by appropriation of
78 the general assembly to the payment of such expenditures of
79 the commission in the succeeding fiscal year and shall be
80 applied by the commission to the reduction of the amount to
81 be assessed to such public utilities in such succeeding
82 fiscal year, such reduction to be allocated to each group of

83 public utilities in proportion to the respective gross
84 intrastate operating revenues of the respective groups
85 during the preceding calendar year.

86 5. In order to enable the commission to make the
87 allocations and assessments herein provided for, each public
88 utility subject to the jurisdiction of the commission as
89 aforesaid shall file with the commission, within ten days
90 after August 28, 1996, and thereafter on or before March
91 thirty-first of each year, a statement under oath showing
92 its gross intrastate operating revenues for the preceding
93 calendar year, and if any public utility shall fail to file
94 such statement within the time aforesaid the commission
95 shall estimate such revenue which estimate shall be binding
96 on such public utility for the purpose of this section.

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