

FIRST REGULAR SESSION

SENATE BILL NO. 401

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

0350S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 393.130, RSMo, and to enact in lieu thereof one new section relating to certain customer classes approved by the public service commission.

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Section A. Section 393.130, RSMo, is repealed and one new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

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

16 2. No gas corporation, electrical corporation, water
17 corporation or sewer corporation shall directly or
18 indirectly by any special rate, rebate, drawback or other

19 device or method, charge, demand, collect or receive from
20 any person or corporation a greater or less compensation for
21 gas, electricity, water, sewer or for any service rendered
22 or to be rendered or in connection therewith, except as
23 authorized in this chapter, than it charges, demands,
24 collects or receives from any other person or corporation
25 for doing a like and contemporaneous service with respect
26 thereto under the same or substantially similar
27 circumstances or conditions.

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

36 4. Nothing in this section shall be taken to prohibit
37 a gas corporation, electrical corporation, water corporation
38 or sewer corporation from establishing a sliding scale for a
39 fixed period for the automatic adjustment of charges for
40 gas, electricity, water, sewer or any service rendered or to
41 be rendered and the dividends to be paid stockholders of
42 such gas corporation, electrical corporation, water
43 corporation or sewer corporation; provided, that the sliding
44 scale shall first have been filed with and approved by the
45 commission; but nothing in this subsection shall operate to
46 prevent the commission after the expiration of such fixed
47 period from fixing proper, just and reasonable rates and
48 charges to be made for service as authorized in sections
49 393.110 to 393.285.

50 5. No water corporation shall be permitted to charge
51 any municipality or fire protection district a rate for the
52 placing and providing of fire hydrants for distribution of
53 water for use in protecting life and property from the
54 hazards of fire within such municipality or fire protection
55 district. Nothing herein shall prevent such water
56 corporation from including the cost of placement and
57 maintenance of such fire hydrants in its cost basis in
58 determining a fair and reasonable rate to be charged for
59 water. Any such fee or rental charge being made for such
60 fire hydrants whether by contract or otherwise at the time
61 this act shall take effect may remain in effect for a period
62 of one hundred twenty days after this section shall take
63 effect.

64 6. In any home rule city with more than four hundred
65 thousand inhabitants and located in more than one county,
66 any deposits held by the city for any water or sewerage
67 services provided to a customer at any premises shall accrue
68 interest if the customer is current in payments for water
69 and sewerage services and if the city has held the deposit
70 for two or more years. Interest for each year, or part
71 thereof, shall accrue at the rate set for six month United
72 States treasury bills effective December thirty-first of the
73 preceding year. For any deposit held by the city on or
74 before the December thirty-first prior to August 28, 2002,
75 if that deposit is still held by the city on the December
76 thirty-first one year next following August 28, 2002,
77 interest accruing pursuant to this section from the
78 effective date shall be credited to the customer's
79 individual account, or paid to the customer, at the city's
80 discretion.

81 7. Notwithstanding any other provision of law to the
82 contrary, the commission may approve a special residential
83 customer class from a utility company, as defined in section
84 393.550, based in part on household income or household
85 utility burden. For purposes of this subsection, "utility
86 burden" means the percentage of income paid by a customer to
87 a utility company for the cost of electricity, natural gas,
88 or water service.

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