

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1297-02  
Bill No.: Perfected SCS for SB 240  
Subject: Energy; Public Service Commission; Utilities  
Type: Original  
Date: March 4, 2013

Bill Summary: This proposal modifies provisions relating to ratemaking for gas corporations.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Public Service Commission Fund	(\$222,130)	(\$222,113)	(\$224,349)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(\$222,130)</b>	<b>(\$222,113)</b>	<b>(\$224,349)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
Public Service Commission	3 FTE	3 FTE	3 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

According to officials from the **Department of Economic Development - Office of Public Counsel (OPC)**, this bill will create significant additional responsibilities for OPC staff requiring the addition of three FTE's with specific professional expertise to address the complex legal, engineering and financial issues that will be raised by this legislation.

This bill significantly expands existing statutory authority and would expand existing legislation so that more gas utilities could take advantage of the opportunity to adjust rates. Currently only those that have filed for a general rate proceeding within the past three years have that option.

The legislation also expands the number of projects that will be allowed, increasing the amount of review to determine prudence on investment. Prudence audits require significantly more analysis than investment verification analysis and require both financial and engineering analysis.

Expansion of eligibility for the single issue rate mechanism provided under this legislation also increases the number of rate cases, thus requiring additional resources to analyze all utility costs and process the rate case before the Public Service Commission. The legislation also effectively will require additional scrutiny in rate cases beyond the normal test year/true-up time frame which is necessary in order to consider all relevant factors of a utility consistent with case law on setting rates.

Officials from the **Department of Economic Development - Public Service Commission** assume this proposal will have no fiscal impact on their agency.

**Oversight** assumes this proposal could result in an unknown rate increase or an infrastructure system replacement surcharge (ISRS) for utilities serving state government, local political subdivisions, and small businesses. However, petitions would still have to be approved by the Public Service Commission. Oversight will range fiscal impact from \$0 (assuming no rate cases are heard and/or approved or no ISRS surcharges are approved) to (Unknown) to reflect approved rate cases or ISRS surcharges.

FISCAL IMPACT - State Government                      FY 2014                      FY 2015                      FY 2016

**GENERAL REVENUE**

Costs - State Agencies - Potential for increased gas rates or an infrastructure system replacement surcharge (ISRS)                      \$0 or (Unknown)                      \$0 or (Unknown)                      \$0 or (Unknown)

**ESTIMATED NET EFFECT ON GENERAL REVENUE**                      **\$0 or (Unknown)**                      **\$0 or (Unknown)**                      **\$0 or (Unknown)**

**PUBLIC SERVICE COMMISSION FUND**

Costs - Office of Public Counsel (OPC)  
 Personal Service                      (\$145,188)                      (\$146,640)                      (\$148,106)  
 Benefits                      (\$73,676)                      (\$74,412)                      (\$75,156)  
 Equipment and Expense                      (\$3,266)                      (\$1,061)                      (\$1,087)  
 Total Costs - OPC                      (\$222,130)                      (\$222,113)                      (\$224,349)

FTE Change - OPC                      3 FTE                      3 FTE                      3 FTE

**ESTIMATED NET EFFECT ON PUBLIC SERVICE COMMISSION**                      **(\$222,130)**                      **(\$222,113)**                      **(\$224,349)**

Estimated Net FTE for Public Service Commission Fund                      3 FTE                      3 FTE                      3FTE

FISCAL IMPACT - Local Government                      FY 2014                      FY 2015                      FY 2016

**LOCAL POLITICAL SUBDIVISIONS**

Costs - Local Political Subdivision - Potential for increased gas costs or an ISRS                      \$0 or (Unknown)                      \$0 or (Unknown)                      \$0 or (Unknown)

**ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS**                      **\$0 or (Unknown)**                      **\$0 or (Unknown)**                      **\$0 or (Unknown)**

### FISCAL IMPACT - Small Business

This legislation could result in an increase in utility costs to small businesses and for all other customers, since the proposal provides the gas utilities mechanisms to raise rates for specific new investment costs.

### FISCAL DESCRIPTION

This proposal requires the Public Service Commission (PSC) to specify in its decisions the annual amount of net write-off incurred by a gas corporation. Such amount shall be determined as of the date revenues, rate base, and expenses were last updated in the general rate case proceeding. After such a decision, the gas corporation shall be allowed to recover from customers 90% of the increase in net write-offs. For decreases in net write-offs, the gas corporation must return to customers 90% of the decrease. Such recoveries or returns shall occur over a period not to exceed five years.

Currently, the PSC cannot approve an ISRS without having issued a rate proceeding decision within the last three years. A gas corporation cannot collect an ISRS for more than three years unless a rate proceeding occurs. This act modifies these provisions to five years. The act also increases the amount a gas corporation may recover through infrastructure system replacement surcharges (ISRS) from 10% of the gas corporation's base revenue level to 13%.

This act contains an emergency clause for §393.1012.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Department of Economic Development  
Public Service Commission  
Office of Public Counsel



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L.R. No. 1297-02  
Bill No. Perfected SCS for SB 240  
Page 6 of 6  
March 4, 2013

March 4, 2013

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