

HB 967 -- Missouri Public Service Commission Appellate Procedures

Sponsor: Smith (150)

This bill changes the appellate procedures for an issue initially decided by the Missouri Public Service Commission. In its main provisions, the bill:

(1) Requires the commission in any proceeding resulting in the establishment of new rates for a public utility to cause to be prepared and approved a detailed reconciliation containing the dollar value and rate or charge impact of each contested issue decided by the commission;

(2) Specifies that within 15 days after a request for a rehearing is denied or a final decision on rehearing is made, an appellant may file a notice of appeal with the commission and with the appropriate appellate court. Currently, the appellant may apply to the appropriate circuit court within 30 days after the rehearing is denied or the final decision on the rehearing is made;

(3) Requires the commission within 30 days of the filing of the notice of appeal to certify its record in the case to the court of appeals and requires the appellant within 60 days of the filing of a notice of appeal to submit to the court its initial brief;

(4) Specifies that the commission and any party to a commission ruling must have the right to intervene and submit briefs in the review proceedings to the court of appeals pursuant to court rule;

(5) Requires the court of appeals to render its opinion affirming or setting aside in whole or in part the order or decision of the commission under review;

(6) Allows an appellate court to stay or suspend the operation of a commission order or decision that does not involve the establishment of new rates and charges for a public utility;

(7) Allows an appellate court to require the commission to provide temporary rate adjustments in a case where the court determines that a commission order or decision was unlawful or unreasonable. The requirements for calculating a temporary rate adjustment based on the type of deviation from lawful or reasonable rates are specified in the bill;

(8) Specifies that no action affecting the public utility's collection of rates and charges can be taken in a case by an

appellate court if the commission fails to include adequate findings of fact to support the commission's decision and requires the commission to provide adequate findings of fact to support its decision or order within 90 days of receiving a court-issued mandate; and

(9) Allows the commission and any party that is aggrieved by the opinion of an appellate court to seek rehearing and/or transfer to the Missouri Supreme Court under rules established by the court and removes the provision which requires a \$500 bond be filed within 10 days after a judgment has been entered in a circuit court in order to file an appeal with the Missouri Supreme Court or a court of appeals.