

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 827
99TH GENERAL ASSEMBLY

1764H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 386.370, RSMo, and to enact in lieu thereof one new section relating to assessments made by the public service commission.

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Section A. Section 386.370, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.370, to read as follows: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 attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. **If any group is allocated an amount of indirectly attributable expenses in excess of one and one-fourth times its directly attributable expenses, such excess amount shall be reallocated to the groups that did not exceed the**

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.

19 **limit in the proportion of each group's total gross intrastate operating revenue during the**
20 **preceding year to the total gross intrastate operating revenues for those groups.** The
21 commission shall then assess the amount so allocated to each group of public utilities, subject
22 to reduction as herein provided, to the public utilities in such group in proportion to their
23 respective gross intrastate operating revenues during the preceding calendar year, except that the
24 total amount so assessed to all such public utilities shall not exceed one-fourth of one percent
25 of the total gross intrastate operating revenues of all utilities subject to the jurisdiction of the
26 commission.

27 3. The commission shall render a statement of such assessment to each such public
28 utility on or before July first and the amount so assessed to each such public utility shall be paid
29 by it to the director of revenue in full on or before July fifteenth next following the rendition of
30 such statement, except that any such public utility may at its election pay such assessment in four
31 equal installments not later than the following dates next following the rendition of said
32 statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The
33 director of revenue shall remit such payments to the state treasurer. **To the extent such**
34 **assessment amounts differ from those included in the public utility's rates, the utility shall**
35 **be permitted to defer such difference for recovery or refund in its next rate proceeding.**

36 4. The state treasurer shall credit such payments to a special fund, which is hereby
37 created, to be known as "The Public Service Commission Fund", which fund, or its successor
38 fund created pursuant to section 33.571, shall be devoted solely to the payment of expenditures
39 actually incurred by the commission and attributable to the regulation of such public utilities
40 subject to the jurisdiction of the commission, as aforesaid. Any amount remaining in such
41 special fund or its successor fund at the end of any fiscal year shall not revert to the general
42 revenue fund, but shall be applicable by appropriation of the general assembly to the payment
43 of such expenditures of the commission in the succeeding fiscal year and shall be applied by the
44 commission to the reduction of the amount to be assessed to such public utilities in such
45 succeeding fiscal year, such reduction to be allocated to each group of public utilities in **the same**
46 proportion to the ~~[respective gross intrastate operating revenues of the respective groups during~~
47 ~~the preceding calendar year]~~ **allocation of the indirectly attributable expenses.**

48 5. In order to enable the commission to make the allocations and assessments herein
49 provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall
50 file with the commission, within ten days after August 28, 1996, and thereafter on or before
51 March thirty-first of each year, a statement under oath showing its gross intrastate operating
52 revenues for the preceding calendar year, and if any public utility shall fail to file such statement
53 within the time aforesaid the commission shall estimate such revenue which estimate shall be
54 binding on such public utility for the purpose of this section.

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