

FIRST REGULAR SESSION

# HOUSE BILL NO. 1004

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BAILEY.

2125H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 386, RSMo, by adding thereto one new section relating to electrical corporations.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 386, RSMo, is amended by adding thereto one new section, to be known as section 386.015, to read as follows:

**386.015. 1. Notwithstanding any territorial agreement made pursuant to the provisions of section 394.312 to the contrary, beginning January 1, 2022, the commission shall consider multiple applications for area certificates of convenience and necessity from electrical corporations that want to provide electric service within the same geographical area, and if such applications meet the commission's rules and regulations governing applications for certificates of convenience and necessity, the commission shall authorize two or more electrical corporations to provide electric service within the same geographical area. Every person, business, association of persons or businesses, state agency, political subdivision of the state of Missouri, or any other entity in Missouri has the right to choose the provider of its electric utility service, including, but not limited to, selecting providers from a competitive retail electric market, or by producing electricity for themselves or in association with others, and shall not be forced to purchase energy from one provider. Nothing in this section shall be construed as limiting such persons' or entities' right to sell, trade, or otherwise dispose of electricity.**

**2. Upon issuance of a certificate of convenience and necessity by the commission, the incumbent electrical corporation shall offer, as tariffed services, delivery services. For the purpose of this section, "delivery services" means those services provided by 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.

18 **incumbent electrical corporation that are necessary in order for the transmission and**  
19 **distribution systems to function so that retail customers located in the incumbent electrical**  
20 **corporation's service area can receive electric power and energy from suppliers other than**  
21 **the incumbent electrical corporation.**

22 **3. Nothing in this section shall be construed to invalidate Missouri's public policies**  
23 **on renewable energy, energy efficiency, and environmental protection, or limit the general**  
24 **assembly's ability to impose such policies on participants in a competitive retail electric**  
25 **energy market.**

26 **4. Municipally owned electric utilities operating under chapter 91 and rural electric**  
27 **cooperatives operating under chapter 394 shall not be subject to the provisions of this**  
28 **section.**

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