

FIRST REGULAR SESSION

HOUSE BILL NO. 1138

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

2352H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 393.106, RSMo, and to enact in lieu thereof one new sections relating to electric energy.

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

Section A. Section 393.106, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 393.106, to read as follows:

393.106. 1. As used in this section, the following terms mean:

(1) "Permanent service", electrical service provided through facilities which have been permanently installed on a structure and which are designed to provide electric service for the structure's anticipated needs for the indefinite future, as contrasted with facilities installed temporarily to provide electrical service during construction. Service provided temporarily shall be at the risk of the electrical supplier and shall not be determinative of the rights of the provider or recipient of permanent service;

(2) "Structure" or "structures", an agricultural, residential, commercial, industrial or other building or a mechanical installation, machinery or apparatus at which retail electric energy is being delivered through a metering device which is located on or adjacent to the structure and connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent additions to or expansions of a particular structure. Nothing in this section shall be construed to confer any right on an electric supplier to serve new structures on a particular tract of land because it was serving an existing structure on that tract.

2. Once an electrical corporation or joint municipal utility commission, or its predecessor in interest, lawfully commences supplying retail electric energy to a structure through permanent service facilities, it shall have the right to continue serving such structure, and other suppliers

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 of electrical energy shall not have the right to provide service to the structure except as might be
19 otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and
20 section 394.080, or pursuant to a territorial agreement approved under section 394.312. The
21 public service commission, upon application made by an affected party, may order a change of
22 suppliers on the basis that it is in the public interest for a reason other than a rate differential.
23 The commission's jurisdiction under this section is limited to public interest determinations and
24 excludes questions as to the lawfulness of the provision of service, such questions being reserved
25 to courts of competent jurisdiction. Except as provided in this section, nothing contained herein
26 shall affect the rights, privileges or duties of existing corporations pursuant to this chapter.
27 Nothing in this section shall be construed to make lawful any provision of service which was
28 unlawful prior to July 11, 1991. Nothing in this section shall be construed to make unlawful the
29 continued lawful provision of service to any structure which may have had a different supplier
30 in the past, if such a change in supplier was lawful at the time it occurred. However, those
31 customers who had cancelled service with their previous supplier or had requested cancellation
32 by May 1, 1991, shall be eligible to change suppliers as per previous procedures. No customer
33 shall be allowed to change electric suppliers by disconnecting service between May 1, 1991, and
34 July 11, 1991.

35 **3. Notwithstanding the provisions of subsection 2, or any other provision of**
36 **chapters 386, 387, 388, 389, 390, 391, 392, 393, and 394, electric energy may be provided**
37 **and obtained on a wholesale basis at any electric generating facility over a transformation**
38 **and transmission interconnect under the applicable federal tariffs of a regional**
39 **transmission organization instead of under retail service tariffs filed with the commission**
40 **by an electric utility.**

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