

SECOND REGULAR SESSION

# HOUSE BILL NO. 2596

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BONDON.

6600H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 386.020 and 386.250, RSMo, and to enact in lieu thereof three new sections relating to development of electric vehicle charging stations.

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

Section A. Sections 386.020 and 386.250, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 386.020, 386.250, and 393.1060, to read as follows:

386.020. As used in this chapter, the following words and phrases mean:

(1) "Alternative local exchange telecommunications company", a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995;

(2) "Alternative operator services company", any certificated interexchange telecommunications company which receives more than forty percent of its annual Missouri intrastate telecommunications service revenues from the provision of operator services pursuant to operator services contracts with traffic aggregators;

(3) "Basic interexchange telecommunications service" includes, at a minimum, two-way switched voice service between points in different local calling scopes as determined by the commission and shall include other services as determined by the commission by rule upon periodic review and update;

(4) "Basic local telecommunications service", two-way switched voice service within a local calling scope as determined by the commission comprised of any of the following services and their recurring and nonrecurring charges:

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.

- 17 (a) Multiparty, single line, including installation, touchtone dialing, and any applicable  
18 mileage or zone charges;
- 19 (b) Assistance programs for installation of, or access to, basic local telecommunications  
20 services for qualifying economically disadvantaged or disabled customers or both, including, but  
21 not limited to, lifeline services and link-up Missouri services for low-income customers or  
22 dual-party relay service for the hearing impaired and speech impaired;
- 23 (c) Access to local emergency services including, but not limited to, 911 service  
24 established by local authorities;
- 25 (d) Access to basic local operator services;
- 26 (e) Access to basic local directory assistance;
- 27 (f) Standard intercept service;
- 28 (g) Equal access to interexchange carriers consistent with rules and regulations of the  
29 Federal Communications Commission;
- 30 (h) One standard white pages directory listing.
- 31
- 32 Basic local telecommunications service does not include optional toll-free calling outside a local  
33 calling scope but within a community of interest, available for an additional monthly fee or the  
34 offering or provision of basic local telecommunications service at private shared-tenant service  
35 locations;
- 36 (5) "Cable television service", the one-way transmission to subscribers of video  
37 programming or other programming service and the subscriber interaction, if any, which is  
38 required for the selection of such video programming or other programming service;
- 39 (6) "Carrier of last resort", any telecommunications company which is obligated to offer  
40 basic local telecommunications service to all customers who request service in a geographic area  
41 defined by the commission and cannot abandon this obligation without approval from the  
42 commission;
- 43 (7) "Commission", the "Public Service Commission" hereby created;
- 44 (8) "Commissioner", one of the members of the commission;
- 45 (9) "Competitive telecommunications company", a telecommunications company which  
46 has been classified as such by the commission pursuant to section 392.245 or 392.361;
- 47 (10) "Competitive telecommunications service", a telecommunications service which  
48 has been classified as such by the commission pursuant to section 392.245 or to section 392.361,  
49 or which has become a competitive telecommunications service pursuant to section 392.370;
- 50 (11) "Corporation" includes a corporation, company, association and joint stock  
51 association or company;

52 (12) "Customer-owned pay telephone", a privately owned telecommunications device  
53 that is not owned, leased or otherwise controlled by a local exchange telecommunications  
54 company and which provides telecommunications services for a use fee to the general public;

55 (13) "Effective competition" shall be determined by the commission based on:

56 (a) The extent to which services are available from alternative providers in the relevant  
57 market;

58 (b) The extent to which the services of alternative providers are functionally equivalent  
59 or substitutable at comparable rates, terms and conditions;

60 (c) The extent to which the purposes and policies of chapter 392, including the  
61 reasonableness of rates, as set out in section 392.185, are being advanced;

62 (d) Existing economic or regulatory barriers to entry; and

63 (e) Any other factors deemed relevant by the commission and necessary to implement  
64 the purposes and policies of chapter 392;

65 (14) "Electric plant" includes all real estate, fixtures and personal property operated,  
66 controlled, owned, used or to be used for or in connection with or to facilitate the generation,  
67 transmission, distribution, sale or furnishing of electricity for light, heat or power; and any  
68 conduits, ducts or other devices, materials, apparatus or property for containing, holding or  
69 carrying conductors used or to be used for the transmission of electricity for light, heat or power,  
70 **including transportation electrification devices or materials owned or operated by an**  
71 **electrical corporation. The term "electric plant" shall not include the real estate, fixtures,**  
72 **and personal property owned or controlled by individuals or corporations who own or**  
73 **operate transportation electrification devices and do not otherwise generate or sell**  
74 **electricity;**

75 (15) "Electrical corporation" includes every corporation, company, association, joint  
76 stock company or association, partnership and person, their lessees, trustees or receivers  
77 appointed by any court whatsoever, other than a railroad, light rail or street railroad corporation  
78 generating electricity solely for railroad, light rail or street railroad purposes or for the use of its  
79 tenants and not for sale to others, owning, operating, controlling or managing any electric plant  
80 except where electricity is generated or distributed by the producer solely on or through private  
81 property for railroad, light rail or street railroad purposes or for its own use or the use of its  
82 tenants and not for sale to others. **The term "electrical corporation" shall not include**  
83 **individuals or corporations who own or operate transportation electrification devices but**  
84 **do not otherwise generate or sell electricity;**

85 (16) "Exchange", a geographical area for the administration of telecommunications  
86 services, established and described by the tariff of a telecommunications company providing  
87 basic local telecommunications service;

88 (17) "Exchange access service", a service provided by a local exchange  
89 telecommunications company which enables a telecommunications company or other customer  
90 to enter and exit the local exchange telecommunications network in order to originate or  
91 terminate interexchange telecommunications service;

92 (18) "Gas corporation" includes every corporation, company, association, joint stock  
93 company or association, partnership and person, their lessees, trustees or receivers appointed by  
94 any court whatsoever, owning, operating, controlling or managing any gas plant operating for  
95 public use under privilege, license or franchise now or hereafter granted by the state or any  
96 political subdivision, county or municipality thereof;

97 (19) "Gas plant" includes all real estate, fixtures and personal property owned, operated,  
98 controlled, used or to be used for or in connection with or to facilitate the manufacture,  
99 distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power;

100 (20) "Heating company" includes every corporation, company, association, joint stock  
101 company or association, partnership and person, their lessees, trustees or receivers, appointed by  
102 any court whatsoever, owning, operating, managing or controlling any plant or property for  
103 manufacturing and distributing and selling, for distribution, or distributing hot or cold water,  
104 steam or currents of hot or cold air for motive power, heating, cooking, or for any public use or  
105 service, in any city, town or village in this state; provided, that no agency or authority created by  
106 or operated pursuant to an interstate compact established pursuant to section 70.370 shall be a  
107 heating company or subject to regulation by the commission;

108 (21) "High-cost area", a geographic area, which shall follow exchange boundaries and  
109 be no smaller than an exchange nor larger than a local calling scope, where the cost of providing  
110 basic local telecommunications service as determined by the commission, giving due regard to  
111 recovery of an appropriate share of joint and common costs as well as those costs related to  
112 carrier of last resort obligations, exceeds the rate for basic local telecommunications service  
113 found reasonable by the commission;

114 (22) "Incumbent local exchange telecommunications company", a local exchange  
115 telecommunications company authorized to provide basic local telecommunications service in  
116 a specific geographic area as of December 31, 1995, or a successor in interest to such a company;

117 (23) "Interconnected voice over internet protocol service", service that:

118 (a) Enables real-time, two-way voice communications;

119 (b) Requires a broadband connection from the user's location;

120 (c) Requires internet protocol-compatible customer premises equipment; and

121 (d) Permits users generally to receive calls that originate on the public switched  
122 telephone network and to terminate calls to the public switched telephone network;

- 123 (24) "Interexchange telecommunications company", any company engaged in the  
124 provision of interexchange telecommunications service;
- 125 (25) "Interexchange telecommunications service", telecommunications service between  
126 points in two or more exchanges;
- 127 (26) "InterLATA", interexchange telecommunications service between points in different  
128 local access and transportation areas;
- 129 (27) "IntraLATA", interexchange telecommunications service between points within the  
130 same local access and transportation area;
- 131 (28) "Light rail" includes every rail transportation system in which one or more rail  
132 vehicles are propelled electrically by overhead catenary wire upon tracks located substantially  
133 within an urban area and are operated exclusively in the transportation of passengers and their  
134 baggage, and including all bridges, tunnels, equipment, switches, spurs, tracks, stations, used in  
135 connection with the operation of light rail;
- 136 (29) "Line" includes route;
- 137 (30) "Local access and transportation area" or "LATA", contiguous geographic area  
138 approved by the U.S. District Court for the District of Columbia in United States v. Western  
139 Electric, Civil Action No. 82-0192 that defines the permissible areas of operations for the Bell  
140 Operating companies;
- 141 (31) "Local exchange telecommunications company", any company engaged in the  
142 provision of local exchange telecommunications service. A local exchange telecommunications  
143 company shall be considered a "large local exchange telecommunications company" if it has at  
144 least one hundred thousand access lines in Missouri and a "small local exchange  
145 telecommunications company" if it has less than one hundred thousand access lines in Missouri;
- 146 (32) "Local exchange telecommunications service", telecommunications service between  
147 points within an exchange;
- 148 (33) "Long-run incremental cost", the change in total costs of the company of producing  
149 an increment of output in the long run when the company uses least cost technology, and  
150 excluding any costs that, in the long run, are not brought into existence as a direct result of the  
151 increment of output. The relevant increment of output shall be the level of output necessary to  
152 satisfy total current demand levels for the service in question, or, for new services, demand levels  
153 that can be demonstrably anticipated;
- 154 (34) "Municipality" includes a city, village or town;
- 155 (35) "Nonbasic telecommunications services" shall be all regulated telecommunications  
156 services other than basic local and exchange access telecommunications services, and shall  
157 include the services identified in paragraphs (d) and (e) of subdivision (4) of this section. Any  
158 retail telecommunications service offered for the first time after August 28, 1996, shall be

159 classified as a nonbasic telecommunications service, including any new service which does not  
160 replace an existing service;

161 (36) "Noncompetitive telecommunications company", a telecommunications company  
162 other than a competitive telecommunications company or a transitionally competitive  
163 telecommunications company;

164 (37) "Noncompetitive telecommunications service", a telecommunications service other  
165 than a competitive or transitionally competitive telecommunications service;

166 (38) "Operator services", operator-assisted interexchange telecommunications service  
167 by means of either human or automated call intervention and includes, but is not limited to,  
168 billing or completion of calling card, collect, person-to-person, station-to-station or third number  
169 billed calls;

170 (39) "Operator services contract", any agreement between a traffic aggregator and a  
171 certificated interexchange telecommunications company to provide operator services at a traffic  
172 aggregator location;

173 (40) "Person" includes an individual, and a firm or copartnership;

174 (41) "Private shared tenant services" includes the provision of telecommunications and  
175 information management services and equipment within a user group located in discrete private  
176 premises as authorized by the commission by a commercial-shared services provider or by a user  
177 association, through privately owned customer premises equipment and associated data  
178 processing and information management services and includes the provision of connections to  
179 the facilities of local exchange telecommunications companies and to interexchange  
180 telecommunications companies;

181 (42) "Private telecommunications system", a telecommunications system controlled by  
182 a person or corporation for the sole and exclusive use of such person, corporation or legal or  
183 corporate affiliate thereof;

184 (43) "Public utility" includes every pipeline corporation, gas corporation, electrical  
185 corporation, telecommunications company, water corporation, heat or refrigerating corporation,  
186 and sewer corporation, as these terms are defined in this section, and each thereof is hereby  
187 declared to be a public utility and to be subject to the jurisdiction, control and regulation of the  
188 commission and to the provisions of this chapter;

189 (44) "Railroad" includes every railroad and railway, other than street railroad or light rail,  
190 by whatsoever power operated for public use in the conveyance of persons or property for  
191 compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, real  
192 estate and terminal facilities of every kind used, operated, controlled or owned by or in  
193 connection with any such railroad;

194 (45) "Railroad corporation" includes every corporation, company, association, joint stock  
195 company or association, partnership and person, their lessees, trustees or receivers appointed by  
196 any court whatsoever, owning, holding, operating, controlling or managing any railroad or  
197 railway as defined in this section, or any cars or other equipment used thereon or in connection  
198 therewith;

199 (46) "Rate", every individual or joint rate, fare, toll, charge, reconsigning charge,  
200 switching charge, rental or other compensation of any corporation, person or public utility, or any  
201 two or more such individual or joint rates, fares, tolls, charges, reconsigning charges, switching  
202 charges, rentals or other compensations of any corporation, person or public utility or any  
203 schedule or tariff thereof;

204 (47) "Resale of telecommunications service", the offering or providing of  
205 telecommunications service primarily through the use of services or facilities owned or provided  
206 by a separate telecommunications company, but does not include the offering or providing of  
207 private shared tenant services;

208 (48) "Service" includes not only the use and accommodations afforded consumers or  
209 patrons, but also any product or commodity furnished by any corporation, person or public utility  
210 and the plant, equipment, apparatus, appliances, property and facilities employed by any  
211 corporation, person or public utility in performing any service or in furnishing any product or  
212 commodity and devoted to the public purposes of such corporation, person or public utility, and  
213 to the use and accommodation of consumers or patrons;

214 (49) "Sewer corporation" includes every corporation, company, association, joint stock  
215 company or association, partnership or person, their lessees, trustees or receivers appointed by  
216 any court, owning, operating, controlling or managing any sewer system, plant or property, for  
217 the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain,  
218 except that the term shall not include sewer systems with fewer than twenty-five outlets;

219 (50) "Sewer system" includes all pipes, pumps, canals, lagoons, plants, structures and  
220 appliances, and all other real estate, fixtures and personal property, owned, operated, controlled  
221 or managed in connection with or to facilitate the collection, carriage, treatment and disposal of  
222 sewage for municipal, domestic or other beneficial or necessary purpose;

223 (51) "Street railroad" includes every railroad by whatsoever type of power operated, and  
224 all extensions and branches thereof and supplementary facilities thereto by whatsoever type of  
225 vehicle operated, for public use in the conveyance of persons or property for compensation,  
226 mainly providing local transportation service upon the streets, highways and public places in a  
227 municipality, or in and adjacent to a municipality, and including all cars, buses and other rolling  
228 stock, equipment, switches, spurs, tracks, poles, wires, conduits, cables, subways, tunnels,  
229 stations, terminals and real estate of every kind used, operated or owned in connection therewith

230 but this term shall not include light rail as defined in this section; and the term "street railroad"  
231 when used in this chapter shall also include all motor bus and trolley bus lines and routes and  
232 similar local transportation facilities, and the rolling stock and other equipment thereof and the  
233 appurtenances thereto, when operated as a part of a street railroad or trolley bus local  
234 transportation system, or in conjunction therewith or supplementary thereto, but such term shall  
235 not include a railroad constituting or used as part of a trunk line railroad system and any street  
236 railroad as defined above which shall be converted wholly to motor bus operation shall  
237 nevertheless continue to be included within the term street railroad as used herein;

238 (52) "Telecommunications company" includes telephone corporations as that term is  
239 used in the statutes of this state and every corporation, company, association, joint stock  
240 company or association, partnership and person, their lessees, trustees or receivers appointed by  
241 any court whatsoever, owning, operating, controlling or managing any facilities used to provide  
242 telecommunications service for hire, sale or resale within this state;

243 (53) "Telecommunications facilities" includes lines, conduits, ducts, poles, wires, cables,  
244 crossarms, receivers, transmitters, instruments, machines, appliances and all devices, real estate,  
245 easements, apparatus, property and routes used, operated, controlled or owned by any  
246 telecommunications company to facilitate the provision of telecommunications service;

247 (54) "Telecommunications service", the transmission of information by wire, radio,  
248 optical cable, electronic impulses, or other similar means. As used in this definition,  
249 "information" means knowledge or intelligence represented by any form of writing, signs,  
250 signals, pictures, sounds, or any other symbols. Telecommunications service does not include:

251 (a) The rent, sale, lease, or exchange for other value received of customer premises  
252 equipment except for customer premises equipment owned by a telephone company certificated  
253 or otherwise authorized to provide telephone service prior to September 28, 1987, and provided  
254 under tariff or in inventory on January 1, 1983, which must be detariffed no later than December  
255 31, 1987, and thereafter the provision of which shall not be a telecommunications service, and  
256 except for customer premises equipment owned or provided by a telecommunications company  
257 and used for answering 911 or emergency calls;

258 (b) Answering services and paging services;

259 (c) The offering of radio communication services and facilities when such services and  
260 facilities are provided under a license granted by the Federal Communications Commission  
261 under the commercial mobile radio services rules and regulations;

262 (d) Services provided by a hospital, hotel, motel, or other similar business whose  
263 principal service is the provision of temporary lodging through the owning or operating of  
264 message switching or billing equipment solely for the purpose of providing at a charge  
265 telecommunications services to its temporary patients or guests;



- 266 (e) Services provided by a private telecommunications system;
- 267 (f) Cable television service;
- 268 (g) The installation and maintenance of inside wire within a customer's premises;
- 269 (h) Electronic publishing services;
- 270 (i) Services provided pursuant to a broadcast radio or television license issued by the
- 271 Federal Communications Commission; or
- 272 (j) Interconnected voice over internet protocol service;
- 273 (55) "Telephone cooperative", every corporation defined as a telecommunications
- 274 company in this section, in which at least ninety percent of those persons and corporations
- 275 subscribing to receive local telecommunications service from the corporation own at least ninety
- 276 percent of the corporation's outstanding and issued capital stock and in which no subscriber owns
- 277 more than two shares of the corporation's outstanding and issued capital stock;
- 278 (56) "Traffic aggregator", any person, firm, partnership or corporation which furnishes
- 279 a telephone for use by the public and includes, but is not limited to, telephones located in rooms,
- 280 offices and similar locations in hotels, motels, hospitals, colleges, universities, airports and
- 281 public or customer-owned pay telephone locations, whether or not coin operated;
- 282 (57) "Transitionally competitive telecommunications company", an interexchange
- 283 telecommunications company which provides any noncompetitive or transitionally competitive
- 284 telecommunications service, except for an interexchange telecommunications company which
- 285 provides only noncompetitive telecommunications service;
- 286 (58) "Transitionally competitive telecommunications service", a telecommunications
- 287 service offered by a noncompetitive or transitionally competitive telecommunications company
- 288 and classified as transitionally competitive by the commission pursuant to section 392.361 or
- 289 392.370;
- 290 (59) **"Transportation electrification" or "electric vehicle charging station", the use**
- 291 **of electricity from external sources of electrical power, including the electrical grid, for all**
- 292 **or part of motor vehicles, vessels, railroads, or other equipment and the related programs**
- 293 **and charging and propulsion infrastructure investments to enable and encourage this use**
- 294 **of electricity;**
- 295 (60) "Water corporation" includes every corporation, company, association, joint stock
- 296 company or association, partnership and person, their lessees, trustees, or receivers appointed by
- 297 any court whatsoever, owning, operating, controlling or managing any plant or property, dam or
- 298 water supply, canal, or power station, distributing or selling for distribution, or selling or
- 299 supplying for gain any water;
- 300 [~~60~~] (61) "Water system" includes all reservoirs, tunnels, shafts, dams, dikes,
- 301 headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and

302 personal property, owned, operated, controlled or managed in connection with or to facilitate the  
303 diversion, development, storage, supply, distribution, sale, furnishing or carriage of water for  
304 municipal, domestic or other beneficial use.

386.250. The jurisdiction, supervision, powers and duties of the public service  
2 commission herein created and established shall extend under this chapter:

3 (1) To the manufacture, sale or distribution of gas, natural and artificial, and electricity  
4 for light, heat and power, within the state, and to persons or corporations owning, leasing,  
5 operating or controlling the same; and to gas and electric plants, and to persons or corporations  
6 owning, leasing, operating or controlling the same, **including transportation electrification**  
7 **devices operated by electrical corporations;**

8 (2) To all telecommunications facilities, telecommunications services and to all  
9 telecommunications companies so far as such telecommunications facilities are operated or  
10 utilized by a telecommunications company to offer or provide telecommunications service  
11 between one point and another within this state or so far as such telecommunications services  
12 are offered or provided by a telecommunications company between one point and another within  
13 this state, except that nothing contained in this section shall be construed as conferring  
14 jurisdiction upon the commission over the rates charged by a telephone cooperative for providing  
15 telecommunications service within an exchange or within a local calling scope as determined by  
16 the commission, except for exchange access service;

17 (3) To all water corporations, and to the land, property, dams, water supplies, or power  
18 stations thereof and the operation of same within this state, except that nothing contained in this  
19 section shall be construed as conferring jurisdiction upon the commission over the service or  
20 rates of any municipally owned water plant or system in any city of this state except where such  
21 service or rates are for water to be furnished or used beyond the corporate limits of such  
22 municipality;

23 (4) To all sewer systems and their operations within this state and to persons or  
24 corporations owning, leasing, operating or controlling the same;

25 (5) To all public utility corporations and persons whatsoever subject to the provisions  
26 of this chapter as herein defined, except that the public service commission may, upon  
27 application of any interested person, decline jurisdiction and supervision over the sale and  
28 distribution of electricity and the owning, operating, and controlling of related plant if such sale  
29 and distribution is by a person authorized to provide such services in an adjoining state with  
30 fewer than twenty residential customers in Missouri, all of whom are located within two miles  
31 of the borders of the state of Missouri and if such customers are unable to receive utility services  
32 from an investor-owner utility or rural electric cooperative due to a natural barrier. If the public  
33 service commission shall decline such jurisdiction and supervision, the Missouri customers of

34 such out-of-state utility shall receive services under the same terms and conditions as the utility  
35 provides service to its customers in the nearest adjoining state;

36 (6) To the adoption of rules as are supported by evidence as to reasonableness and which  
37 prescribe the conditions of rendering public utility service, disconnecting or refusing to reconnect  
38 public utility service and billing for public utility service. All such proposed rules shall be filed  
39 with the secretary of state and published in the Missouri Register as provided in chapter 536, and  
40 a hearing shall be held at which affected parties may present evidence as to the reasonableness  
41 of any proposed rule; and

42 (7) To such other and further extent, and to all such other and additional matters and  
43 things, and in such further respects as may herein appear, either expressly or impliedly.

**393.1060. 1. Each electrical corporation may file, or the commission may request  
2 an electrical corporation to file, an application for a program to support widespread  
3 transportation electrification.**

4 **2. When considering transportation electrification programs and determining cost  
5 recovery for investments and other expenditures related to programs proposed by an  
6 electrical corporation under subsection 1 of this section, the commission may consider  
7 whether the investments and other expenditures are:**

8 (1) Consistent with the electrical corporation's long-term integrated resource  
9 planning;

10 (2) Prudent, as determined by the commission;

11 (3) Reasonably expected to be used and useful, as determined by the commission;

12 (4) Reasonably expected to improve the electrical corporation's long-term electrical  
13 system efficiency and operational flexibility;

14 (5) Reasonably expected to stimulate innovation, competition, and increased  
15 consumer choices in electric vehicle charging and related infrastructure and service;  
16 attract private capital investments; and utilize high quality jobs and skilled worker  
17 training programs;

18 (6) Reasonably expected to support widespread transportation electrification;

19 (7) Reasonably expected to increase access to the use of electricity as a  
20 transportation fuel;

21 (8) Reasonably expected to provide competitively priced power to consumers who  
22 charge electric vehicles in a manner consistent with electrical grid conditions; or

23 (9) Transparent and incorporating public reporting requirements to inform  
24 program design and commission policy.

25 **3. Transportation electrification shall be considered part of an electrical  
26 corporation's rate base and shall be considered in calculating rates under section 393.150.**

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