

SECOND REGULAR SESSION

# SENATE BILL NO. 1408

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

5190S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 393.130, RSMo, and to enact in lieu thereof one new section relating to certain customer classes approved by the public service commission.

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

Section A. Section 393.130, RSMo, is repealed and one new  
2 section enacted in lieu thereof, to be known as section 393.130,  
3 to read as follows:

393.130. 1. Every gas corporation, every electrical  
2 corporation, every water corporation, and every sewer  
3 corporation shall furnish and provide such service  
4 instrumentalities and facilities as shall be safe and  
5 adequate and in all respects just and reasonable. All  
6 charges made or demanded by any such gas corporation,  
7 electrical corporation, water corporation or sewer  
8 corporation for gas, electricity, water, sewer or any  
9 service rendered or to be rendered shall be just and  
10 reasonable and not more than allowed by law or by order or  
11 decision of the commission. Every unjust or unreasonable  
12 charge made or demanded for gas, electricity, water, sewer  
13 or any such service, or in connection therewith, or in  
14 excess of that allowed by law or by order or decision of the  
15 commission is prohibited.

16 2. No gas corporation, electrical corporation, water  
17 corporation or sewer corporation shall directly or  
18 indirectly by any special rate, rebate, drawback or other

19 device or method, charge, demand, collect or receive from  
20 any person or corporation a greater or less compensation for  
21 gas, electricity, water, sewer or for any service rendered  
22 or to be rendered or in connection therewith, except as  
23 authorized in this chapter, than it charges, demands,  
24 collects or receives from any other person or corporation  
25 for doing a like and contemporaneous service with respect  
26 thereto under the same or substantially similar  
27 circumstances or conditions.

28         3. No gas corporation, electrical corporation, water  
29 corporation or sewer corporation shall make or grant any  
30 undue or unreasonable preference or advantage to any person,  
31 corporation or locality, or to any particular description of  
32 service in any respect whatsoever, or subject any particular  
33 person, corporation or locality or any particular  
34 description of service to any undue or unreasonable  
35 prejudice or disadvantage in any respect whatsoever.

36         4. Nothing in this section shall be taken to prohibit  
37 a gas corporation, electrical corporation, water corporation  
38 or sewer corporation from establishing a sliding scale for a  
39 fixed period for the automatic adjustment of charges for  
40 gas, electricity, water, sewer or any service rendered or to  
41 be rendered and the dividends to be paid stockholders of  
42 such gas corporation, electrical corporation, water  
43 corporation or sewer corporation; provided, that the sliding  
44 scale shall first have been filed with and approved by the  
45 commission; but nothing in this subsection shall operate to  
46 prevent the commission after the expiration of such fixed  
47 period from fixing proper, just and reasonable rates and  
48 charges to be made for service as authorized in sections  
49 393.110 to 393.285.

50           5. No water corporation shall be permitted to charge  
51 any municipality or fire protection district a rate for the  
52 placing and providing of fire hydrants for distribution of  
53 water for use in protecting life and property from the  
54 hazards of fire within such municipality or fire protection  
55 district. Nothing herein shall prevent such water  
56 corporation from including the cost of placement and  
57 maintenance of such fire hydrants in its cost basis in  
58 determining a fair and reasonable rate to be charged for  
59 water. Any such fee or rental charge being made for such  
60 fire hydrants whether by contract or otherwise at the time  
61 this act shall take effect may remain in effect for a period  
62 of one hundred twenty days after this section shall take  
63 effect.

64           6. In any home rule city with more than four hundred  
65 thousand inhabitants and located in more than one county,  
66 any deposits held by the city for any water or sewerage  
67 services provided to a customer at any premises shall accrue  
68 interest if the customer is current in payments for water  
69 and sewerage services and if the city has held the deposit  
70 for two or more years. Interest for each year, or part  
71 thereof, shall accrue at the rate set for six month United  
72 States treasury bills effective December thirty-first of the  
73 preceding year. For any deposit held by the city on or  
74 before the December thirty-first prior to August 28, 2002,  
75 if that deposit is still held by the city on the December  
76 thirty-first one year next following August 28, 2002,  
77 interest accruing pursuant to this section from the  
78 effective date shall be credited to the customer's  
79 individual account, or paid to the customer, at the city's  
80 discretion.

81           7. Notwithstanding any other provision of law to the  
82 contrary, the commission may approve a special residential  
83 customer class from a utility company, as defined in section  
84 393.550, based in part on household income or household  
85 utility burden. For purposes of this subsection, "utility  
86 burden" means the percentage of income paid by a customer to  
87 a utility company for the cost of electricity, natural gas,  
88 or water service.

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