

FIRST REGULAR SESSION

# SENATE BILL NO. 335

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1619S.01H

ADRIANE D. CROUSE, Secretary

## AN ACT

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Section A. Section 393.106, RSMo, is repealed and one new  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

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

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

13 (2) "Structure" or "structures", an agricultural,  
14 residential, commercial, industrial or other building or a  
15 mechanical installation, machinery or apparatus at which  
16 retail electric energy is being delivered through a metering  
17 device which is located on or adjacent to the structure and  
18 connected to the lines of an electrical supplier. Such

19 terms shall include any contiguous or adjacent additions to  
20 or expansions of a particular structure. Nothing in this  
21 section shall be construed to confer any right on an  
22 electric supplier to serve new structures on a particular  
23 tract of land because it was serving an existing structure  
24 on that tract;

25 **(3) "Transformation interconnect", a connection to the**  
26 **electric transmission system that steps up outgoing**  
27 **electricity generated at an electric generation facility**  
28 **that is consistent with the transmission system voltage;**

29 **(4) "Transmission interconnection", a connection**  
30 **between a generation facility and the electric transmission**  
31 **system that is being provided and maintained by a regional**  
32 **transmission operator or by a similar entity with a Federal**  
33 **Energy Regulatory Commission approved tariff and the ability**  
34 **to interconnect generators to the transmission system.**

35 2. Once an electrical corporation or joint municipal  
36 utility commission, or its predecessor in interest, lawfully  
37 commences supplying retail electric energy to a structure  
38 through permanent service facilities, it shall have the  
39 right to continue serving such structure, and other  
40 suppliers of electrical energy shall not have the right to  
41 provide service to the structure except as might be  
42 otherwise permitted in the context of municipal annexation,  
43 pursuant to section 386.800 and section 394.080, or pursuant  
44 to a territorial agreement approved under section 394.312.  
45 The public service commission, upon application made by an  
46 affected party, may order a change of suppliers on the basis  
47 that it is in the public interest for a reason other than a  
48 rate differential. The commission's jurisdiction under this  
49 section is limited to public interest determinations and  
50 excludes questions as to the lawfulness of the provision of

51 service, such questions being reserved to courts of  
52 competent jurisdiction. Except as provided in this section,  
53 nothing contained herein shall affect the rights, privileges  
54 or duties of existing corporations pursuant to this  
55 chapter. Nothing in this section shall be construed to make  
56 lawful any provision of service which was unlawful prior to  
57 July 11, 1991. Nothing in this section shall be construed  
58 to make unlawful the continued lawful provision of service  
59 to any structure which may have had a different supplier in  
60 the past, if such a change in supplier was lawful at the  
61 time it occurred. However, those customers who had  
62 cancelled service with their previous supplier or had  
63 requested cancellation by May 1, 1991, shall be eligible to  
64 change suppliers as per previous procedures. No customer  
65 shall be allowed to change electric suppliers by  
66 disconnecting service between May 1, 1991, and July 11, 1991.

67 **3. Notwithstanding the provisions of subsection 2 of**  
68 **this section, or any other provision of this chapter or**  
69 **chapter 386, electric energy may be provided to any electric**  
70 **generating facility over a transformation interconnect and a**  
71 **transmission interconnection, commonly known as station**  
72 **power, pursuant to the federal tariffs of a regional**  
73 **transmission organization instead of pursuant to tariffs**  
74 **filed with the commission by an electric utility.**

75 **4. Any electric generating facility receiving power**  
76 **pursuant to subsection 3 of this section, shall only be**  
77 **entitled to do so if its projected receipt of such power in**  
78 **a calendar year is not in excess of two percent of the total**  
79 **electricity generated or produced by said electric**  
80 **generating facility during the prior calendar year.**

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