

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 384
99TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, March 9, 2017, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

1751S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal section 386.370, RSMo, and to enact in lieu thereof one new section relating to the public service commission assessment to public utilities.

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

Section A. Section 386.370, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 386.370, to read as follows:

386.370. 1. The commission shall, prior to the beginning of each fiscal
2 year beginning with the fiscal year commencing on July 1, 1947, make an
3 estimate of the expenses to be incurred by it during such fiscal year reasonably
4 attributable to the regulation of public utilities as provided in chapters 386, 392
5 and 393 and shall also separately estimate the amount of such expenses directly
6 attributable to such regulation of each of the following groups of public utilities:
7 Electrical corporations, gas corporations, water corporations, heating companies
8 and telephone corporations, telegraph corporations, sewer corporations, and any
9 other public utility as defined in section 386.020, as well as the amount of such
10 expenses not directly attributable to any such group. For purposes of this section,
11 water corporations and sewer corporations will be combined and considered one
12 group of public utilities.

13 2. The commission shall allocate to each such group of public utilities the
14 estimated expenses directly attributable to the regulation of such group and an
15 amount equal to such proportion of the estimated expenses not directly
16 attributable to any group as the gross intrastate operating revenues of such group
17 during the preceding calendar year bears to the total gross intrastate operating
18 revenues of all public utilities subject to the jurisdiction of the commission, as

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 aforesaid, during such calendar year. **If any group is allocated an amount**
20 **of indirectly attributable expenses in excess of one and one-fourth**
21 **times its directly attributable expenses, such excess amount shall be**
22 **reallocated to the groups that did not exceed the limit in the same**
23 **proportion as each group's total gross intrastate operating revenue**
24 **during the preceding year to the total gross intrastate operating**
25 **revenues for those groups.** The commission shall then assess the amount so
26 allocated to each group of public utilities, subject to reduction as herein provided,
27 to the public utilities in such group in proportion to their respective gross
28 intrastate operating revenues during the preceding calendar year, except that the
29 total amount so assessed to all such public utilities shall not exceed one-fourth
30 of one percent of the total gross intrastate operating revenues of all utilities
31 subject to the jurisdiction of the commission.

32 3. The commission shall render a statement of such assessment to each
33 such public utility on or before July first and the amount so assessed to each such
34 public utility shall be paid by it to the director of revenue in full on or before July
35 fifteenth next following the rendition of such statement, except that any such
36 public utility may at its election pay such assessment in four equal installments
37 not later than the following dates next following the rendition of said statement,
38 to wit: July fifteenth, October fifteenth, January fifteenth and April
39 fifteenth. The director of revenue shall remit such payments to the state
40 treasurer. **To the extent such assessment amounts differ from those**
41 **included in the public utility's rates, the utility shall be permitted to**
42 **defer such difference for recovery or refund in its next rate proceeding.**

43 4. The state treasurer shall credit such payments to a special fund, which
44 is hereby created, to be known as "The Public Service Commission Fund", which
45 fund, or its successor fund created pursuant to section 33.571, shall be devoted
46 solely to the payment of expenditures actually incurred by the commission and
47 attributable to the regulation of such public utilities subject to the jurisdiction of
48 the commission, as aforesaid. Any amount remaining in such special fund or its
49 successor fund at the end of any fiscal year shall not revert to the general
50 revenue fund, but shall be applicable by appropriation of the general assembly
51 to the payment of such expenditures of the commission in the succeeding fiscal
52 year and shall be applied by the commission to the reduction of the amount to be
53 assessed to such public utilities in such succeeding fiscal year, such reduction to
54 be allocated to each group of public utilities in **the same** proportion to the

55 [respective gross intrastate operating revenues of the respective groups during
56 the preceding calendar year] **allocation of the indirectly attributable**
57 **expenses.**

58 5. In order to enable the commission to make the allocations and
59 assessments herein provided for, each public utility subject to the jurisdiction of
60 the commission as aforesaid shall file with the commission, within ten days after
61 August 28, 1996, and thereafter on or before March thirty-first of each year, a
62 statement under oath showing its gross intrastate operating revenues for the
63 preceding calendar year, and if any public utility shall fail to file such statement
64 within the time aforesaid the commission shall estimate such revenue which
65 estimate shall be binding on such public utility for the purpose of this section.

✓

Bill

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