

SECOND REGULAR SESSION

SENATE BILL NO. 833

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

Pre-filed December 29, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5498S.01I

AN ACT

To repeal section 386.020, RSMo, and to enact in lieu thereof one new section relating to electric vehicle charging stations.

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

Section A. Section 386.020, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 386.020, to read as follows:

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

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

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

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

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

19 (a) Multiparty, single line, including installation, touchtone dialing, and
20 any applicable mileage or zone charges;

21 (b) Assistance programs for installation of, or access to, basic local
22 telecommunications services for qualifying economically disadvantaged or
23 disabled customers or both, including, but not limited to, lifeline services and
24 link-up Missouri services for low-income customers or dual-party relay service for
25 the hearing impaired and speech impaired;

26 (c) Access to local emergency services including, but not limited to, 911
27 service established by local authorities;

28 (d) Access to basic local operator services;

29 (e) Access to basic local directory assistance;

30 (f) Standard intercept service;

31 (g) Equal access to interexchange carriers consistent with rules and
32 regulations of the Federal Communications Commission;

33 (h) One standard white pages directory listing.

34 Basic local telecommunications service does not include optional toll-free calling
35 outside a local calling scope but within a community of interest, available for an
36 additional monthly fee or the offering or provision of basic local
37 telecommunications service at private shared-tenant service locations;

38 (5) "Cable television service", the one-way transmission to subscribers of
39 video programming or other programming service and the subscriber interaction,
40 if any, which is required for the selection of such video programming or other
41 programming service;

42 (6) "Carrier of last resort", any telecommunications company which is
43 obligated to offer basic local telecommunications service to all customers who
44 request service in a geographic area defined by the commission and cannot
45 abandon this obligation without approval from the commission;

46 (7) "Commission", the "Public Service Commission" hereby created;

47 (8) "Commissioner", one of the members of the commission;

48 (9) "Competitive telecommunications company", a telecommunications
49 company which has been classified as such by the commission pursuant to section
50 392.245 or 392.361;

51 (10) "Competitive telecommunications service", a telecommunications
52 service which has been classified as such by the commission pursuant to section
53 392.245 or to section 392.361, or which has become a competitive
54 telecommunications service pursuant to section 392.370;

55 (11) "Corporation" includes a corporation, company, association and joint
56 stock association or company;

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

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

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

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

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

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

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

73 (14) "Electric plant" includes all real estate, fixtures and personal
74 property operated, controlled, owned, used or to be used for or in connection with
75 or to facilitate the generation, transmission, distribution, sale or furnishing of
76 electricity for light, heat or power; and any conduits, ducts or other devices,
77 materials, apparatus or property for containing, holding or carrying conductors
78 used or to be used for the transmission of electricity for light, heat or power; **and**
79 **electric vehicle charging stations when the stations are operated,**
80 **controlled, or owned by an electrical corporation, provided that**
81 **nothing in this section shall be interpreted to grant the commission**
82 **jurisdiction over electric vehicle charging stations that are operated,**
83 **controlled, or owned by an entity that is not an electrical corporation;**

84 (15) "Electrical corporation" includes every corporation, company,
85 association, joint stock company or association, partnership and person, their
86 lessees, trustees or receivers appointed by any court whatsoever, other than a
87 railroad, light rail or street railroad corporation generating electricity solely for
88 railroad, light rail or street railroad purposes or for the use of its tenants and not
89 for sale to others, owning, operating, controlling or managing any electric plant
90 except where electricity is generated or distributed by the producer solely on or
91 through private property for railroad, light rail or street railroad purposes or for
92 its own use or the use of its tenants and not for sale to others;

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

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

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

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

110 (20) "Heating company" includes every corporation, company, association,
111 joint stock company or association, partnership and person, their lessees, trustees
112 or receivers, appointed by any court whatsoever, owning, operating, managing or
113 controlling any plant or property for manufacturing and distributing and selling,
114 for distribution, or distributing hot or cold water, steam or currents of hot or cold
115 air for motive power, heating, cooking, or for any public use or service, in any
116 city, town or village in this state; provided, that no agency or authority created
117 by or operated pursuant to an interstate compact established pursuant to section
118 70.370 shall be a heating company or subject to regulation by the commission;

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

126 (22) "Incumbent local exchange telecommunications company", a local
127 exchange telecommunications company authorized to provide basic local
128 telecommunications service in a specific geographic area as of December 31, 1995,

129 or a successor in interest to such a company;

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

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

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

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

134 and

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

138 (24) "Interexchange telecommunications company", any company engaged
139 in the provision of interexchange telecommunications service;

140 (25) "Interexchange telecommunications service", telecommunications
141 service between points in two or more exchanges;

142 (26) "InterLATA", interexchange telecommunications service between
143 points in different local access and transportation areas;

144 (27) "IntraLATA", interexchange telecommunications service between
145 points within the same local access and transportation area;

146 (28) "Light rail" includes every rail transportation system in which one
147 or more rail vehicles are propelled electrically by overhead catenary wire upon
148 tracks located substantially within an urban area and are operated exclusively
149 in the transportation of passengers and their baggage, and including all bridges,
150 tunnels, equipment, switches, spurs, tracks, stations, used in connection with the
151 operation of light rail;

152 (29) "Line" includes route;

153 (30) "Local access and transportation area" or "LATA", contiguous
154 geographic area approved by the U.S. District Court for the District of Columbia
155 in *United States v. Western Electric*, Civil Action No. 82-0192 that defines the
156 permissible areas of operations for the Bell Operating companies;

157 (31) "Local exchange telecommunications company", any company engaged
158 in the provision of local exchange telecommunications service. A local exchange
159 telecommunications company shall be considered a "large local exchange
160 telecommunications company" if it has at least one hundred thousand access lines
161 in Missouri and a "small local exchange telecommunications company" if it has
162 less than one hundred thousand access lines in Missouri;

163 (32) "Local exchange telecommunications service", telecommunications
164 service between points within an exchange;

165 (33) "Long-run incremental cost", the change in total costs of the company
166 of producing an increment of output in the long run when the company uses least
167 cost technology, and excluding any costs that, in the long run, are not brought
168 into existence as a direct result of the increment of output. The relevant
169 increment of output shall be the level of output necessary to satisfy total current
170 demand levels for the service in question, or, for new services, demand levels that
171 can be demonstrably anticipated;

172 (34) "Municipality" includes a city, village or town;

173 (35) "Nonbasic telecommunications services" shall be all regulated
174 telecommunications services other than basic local and exchange access
175 telecommunications services, and shall include the services identified in
176 paragraphs (d) and (e) of subdivision (4) of this section. Any retail
177 telecommunications service offered for the first time after August 28, 1996, shall
178 be classified as a nonbasic telecommunications service, including any new service
179 which does not replace an existing service;

180 (36) "Noncompetitive telecommunications company", a telecommunications
181 company other than a competitive telecommunications company or a
182 transitionally competitive telecommunications company;

183 (37) "Noncompetitive telecommunications service", a telecommunications
184 service other than a competitive or transitionally competitive telecommunications
185 service;

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

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

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

194 (41) "Private shared tenant services" includes the provision of
195 telecommunications and information management services and equipment within
196 a user group located in discrete private premises as authorized by the commission
197 by a commercial-shared services provider or by a user association, through
198 privately owned customer premises equipment and associated data processing and
199 information management services and includes the provision of connections to the
200 facilities of local exchange telecommunications companies and to interexchange

201 telecommunications companies;

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

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

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

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

222 (46) "Rate", every individual or joint rate, fare, toll, charge, reconsigning
223 charge, switching charge, rental or other compensation of any corporation, person
224 or public utility, or any two or more such individual or joint rates, fares, tolls,
225 charges, reconsigning charges, switching charges, rentals or other compensations
226 of any corporation, person or public utility or any schedule or tariff thereof;

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

231 (48) "Service" includes not only the use and accommodations afforded
232 consumers or patrons, but also any product or commodity furnished by any
233 corporation, person or public utility and the plant, equipment, apparatus,
234 appliances, property and facilities employed by any corporation, person or public
235 utility in performing any service or in furnishing any product or commodity and
236 devoted to the public purposes of such corporation, person or public utility, and

237 to the use and accommodation of consumers or patrons;

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

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

249 (51) "Street railroad" includes every railroad by whatsoever type of power
250 operated, and all extensions and branches thereof and supplementary facilities
251 thereto by whatsoever type of vehicle operated, for public use in the conveyance
252 of persons or property for compensation, mainly providing local transportation
253 service upon the streets, highways and public places in a municipality, or in and
254 adjacent to a municipality, and including all cars, buses and other rolling stock,
255 equipment, switches, spurs, tracks, poles, wires, conduits, cables, subways,
256 tunnels, stations, terminals and real estate of every kind used, operated or owned
257 in connection therewith but this term shall not include light rail as defined in
258 this section; and the term "street railroad" when used in this chapter shall also
259 include all motor bus and trolley bus lines and routes and similar local
260 transportation facilities, and the rolling stock and other equipment thereof and
261 the appurtenances thereto, when operated as a part of a street railroad or trolley
262 bus local transportation system, or in conjunction therewith or supplementary
263 thereto, but such term shall not include a railroad constituting or used as part
264 of a trunk line railroad system and any street railroad as defined above which
265 shall be converted wholly to motor bus operation shall nevertheless continue to
266 be included within the term street railroad as used herein;

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

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

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

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

291 (b) Answering services and paging services;

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

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

301 (e) Services provided by a private telecommunications system;

302 (f) Cable television service;

303 (g) The installation and maintenance of inside wire within a customer's
304 premises;

305 (h) Electronic publishing services;

306 (i) Services provided pursuant to a broadcast radio or television license
307 issued by the Federal Communications Commission; or

308 (j) Interconnected voice over internet protocol service;

309 (55) "Telephone cooperative", every corporation defined as a
310 telecommunications company in this section, in which at least ninety percent of
311 those persons and corporations subscribing to receive local telecommunications
312 service from the corporation own at least ninety percent of the corporation's
313 outstanding and issued capital stock and in which no subscriber owns more than
314 two shares of the corporation's outstanding and issued capital stock;

315 (56) "Traffic aggregator", any person, firm, partnership or corporation
316 which furnishes a telephone for use by the public and includes, but is not limited
317 to, telephones located in rooms, offices and similar locations in hotels, motels,
318 hospitals, colleges, universities, airports and public or customer-owned pay
319 telephone locations, whether or not coin operated;

320 (57) "Transitionally competitive telecommunications company", an
321 interexchange telecommunications company which provides any noncompetitive
322 or transitionally competitive telecommunications service, except for an
323 interexchange telecommunications company which provides only noncompetitive
324 telecommunications service;

325 (58) "Transitionally competitive telecommunications service", a
326 telecommunications service offered by a noncompetitive or transitionally
327 competitive telecommunications company and classified as transitionally
328 competitive by the commission pursuant to section 392.361 or 392.370;

329 (59) "Water corporation" includes every corporation, company, association,
330 joint stock company or association, partnership and person, their lessees,
331 trustees, or receivers appointed by any court whatsoever, owning, operating,
332 controlling or managing any plant or property, dam or water supply, canal, or
333 power station, distributing or selling for distribution, or selling or supplying for
334 gain any water;

335 (60) "Water system" includes all reservoirs, tunnels, shafts, dams, dikes,
336 headgates, pipes, flumes, canals, structures and appliances, and all other real
337 estate, fixtures and personal property, owned, operated, controlled or managed
338 in connection with or to facilitate the diversion, development, storage, supply,
339 distribution, sale, furnishing or carriage of water for municipal, domestic or other
340 beneficial use.

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