

SECOND REGULAR SESSION

HOUSE BILL NO. 1929

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURTON.

Read 1st time February 13, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4654L.011

AN ACT

To repeal section 386.390, RSMo, and to enact in lieu thereof two new sections relating to the public service commission.

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

Section A. Section 386.390, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 386.235 and 386.390, to read as follows:

386.235. The public service commission shall, by rule, establish expedited dispute resolution procedures for all matters it deems appropriate under the jurisdiction of the commission. This section shall not apply to matters that have time frames prescribed by law pursuant to this chapter, chapter 392, RSMo, chapter 393, RSMo, or chapter 394, RSMo. Such rules shall be effective beginning August 1, 2003. This section shall not apply to any matter under the jurisdiction of the commission pursuant to chapter 700, RSMo. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

386.390. 1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation, **including any for-profit or any not-for-profit corporation**, or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility, in violation, or claimed to be in violation, of any provision of law, or of any rule or order or decision of the commission; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water,

19 sewer, or telephone corporation, unless the same be signed by **or on behalf of any employer**
20 **having one hundred or more employees**, the public counsel or the mayor or the president or
21 chairman of the board of aldermen or a majority of the council, commission or other legislative
22 body of any city, town, village or county, within which the alleged violation occurred, or not less
23 than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas,
24 electricity, water, sewer or telephone service.

25 2. All matters upon which complaint may be founded may be joined in one hearing, and
26 no motion shall be entertained against a complaint for misjoinder of causes of action or
27 grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or
28 decisions of the commission the same rule shall apply with regard to the joinder of causes and
29 parties as herein provided.

30 3. The commission shall not be required to dismiss any complaint because of the absence
31 of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause
32 a copy thereof to be served upon the public utility, corporation or person complained of.

33 4. Service in all hearings, investigations and proceedings pending before the commission
34 may be made upon any person upon whom summons may be served in accordance with the
35 provisions of the code of civil procedure of this state, and may be made personally or by mailing
36 in a sealed envelope with postage prepaid.

37 5. The commission shall fix the time when and the place where a hearing will be had
38 upon the complaint and shall serve notice thereof, not less than ten days before the time set for
39 such hearing, unless the commission shall find that the public necessity requires that such
40 hearing be held at an earlier date.