

HB 432 -- PUBLIC SERVICE COMMISSION INTERVENTION

SPONSOR: Funderburk

COMMITTEE ACTION: Voted "Do Pass by Consent" by the Committee on Utilities by a vote of 21 to 0.

This bill authorizes the Missouri Public Service Commission to intervene in federal administrative, regulatory, and judicial hearings on behalf of the state.

Historically, the commission has intervened in these matters, but it is currently prevented from intervening by a federal court injunction stating that current state law is insufficient to properly authorize the commission to intervene in federal matters.

PROPONENTS: Supporters say that the commission has historically intervened on behalf of the state in all federal energy regulatory commission matters, and that federal law only authorizes state public service commissions to intervene as a matter of right. The commission has prevented improper taxation of Missouri customers in past interventions.

Testifying for the bill were Representative Webb for Representative Funderburk; David Gunn, Chairperson Missouri Public Service Commission; Tim Schwartz, Laclede Gas; Missouri Association of Municipal Utilities; Missouri Industrial Energy Consumers; Office of the Public Counsel; City Utilities of Springfield; and Empire District Electric Company.

OPPONENTS: Opponents of the bill say that the commission should not be allowed to intervene in particular matters against private companies if it is unrelated to the overall consumer costs for electricity. The commission has used intervention as retaliation against Missouri Gas Pipeline because it was angered over losing jurisdiction over some small pipeline companies. Some states limit the jurisdiction of their commissions to prevent these occurrences. Intervention against small, private businesses at the federal level can cause job losses and is not a good method for resolving jurisdictional and regulatory disputes.

Testifying against the bill was David Reece, MOGas Pipeline, LLC.