

FIRST REGULAR SESSION

HOUSE BILL NO. 216

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

09841.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 393.130, RSMo, and to enact in lieu thereof one new section relating to service rates of electrical corporations.

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

Section A. Section 393.130, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 393.130, to read as follows:

393.130. 1. Every gas corporation, every electrical corporation, every water corporation, and every sewer corporation shall furnish and provide such service instrumentalities and facilities as shall be safe and adequate and in all respects just and reasonable. All charges made or demanded by any such gas corporation, electrical corporation, water corporation or sewer corporation for gas, electricity, water, sewer or any service rendered or to be rendered shall be just and reasonable and not more than allowed by law or by order or decision of the commission. Every unjust or unreasonable charge made or demanded for gas, electricity, water, sewer or any such service, or in connection therewith, or in excess of that allowed by law or by order or decision of the commission is prohibited.

2. No gas corporation, electrical corporation, water corporation or sewer corporation shall directly or indirectly by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for gas, electricity, water, sewer or for any service rendered or to be rendered or in connection therewith, except as authorized in this chapter, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect thereto under the same or substantially similar circumstances or conditions.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 3. No gas corporation, electrical corporation, water corporation or sewer corporation
18 shall make or grant any undue or unreasonable preference or advantage to any person,
19 corporation or locality, or to any particular description of service in any respect whatsoever, or
20 subject any particular person, corporation or locality or any particular description of service to
21 any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

22 4. Nothing in this section shall be taken to prohibit a gas corporation, electrical
23 corporation, water corporation or sewer corporation from establishing a sliding scale for a fixed
24 period for the automatic adjustment of charges for gas, electricity, water, sewer or any service
25 rendered or to be rendered and the dividends to be paid stockholders of such gas corporation,
26 electrical corporation, water corporation or sewer corporation; provided, that the sliding scale
27 shall first have been filed with and approved by the commission; but nothing in this subsection
28 shall operate to prevent the commission after the expiration of such fixed period from fixing
29 proper, just and reasonable rates and charges to be made for service as authorized in sections
30 393.110 to 393.285.

31 5. No water corporation shall be permitted to charge any municipality or fire protection
32 district a rate for the placing and providing of fire hydrants for distribution of water for use in
33 protecting life and property from the hazards of fire within such municipality or fire protection
34 district. Nothing herein shall prevent such water corporation from including the cost of
35 placement and maintenance of such fire hydrants in its cost basis in determining a fair and
36 reasonable rate to be charged for water. Any such fee or rental charge being made for such fire
37 hydrants whether by contract or otherwise at the time this act shall take effect may remain in
38 effect for a period of one hundred twenty days after this section shall take effect.

39 6. In any home rule city with more than four hundred thousand inhabitants and located
40 in more than one county, any deposits held by the city for any water or sewerage services
41 provided to a customer at any premises shall accrue interest if the customer is current in
42 payments for water and sewerage services and if the city has held the deposit for two or more
43 years. Interest for each year, or part thereof, shall accrue at the rate set for six month United
44 States treasury bills effective December thirty-first of the preceding year. For any deposit held
45 by the city on or before the December thirty-first prior to August 28, 2002, if that deposit is still
46 held by the city on the December thirty-first one year next following August 28, 2002, interest
47 accruing pursuant to this section from the effective date shall be credited to the customer's
48 individual account, or paid to the customer, at the city's discretion.

49 **7. After August 28, 2011, the commission shall not approve any tariff or tariffs of**
50 **an electrical corporation that directly or indirectly establishes or results in a customer class**
51 **comprised of only one customer if such customer is an aluminum smelting facility as**
52 **defined in section 91.026. In setting rates, the commission shall allocate any and all costs**

53 **directly attributable or related to the provision of electric power and delivery services to**
54 **an aluminum smelting facility directly to that aluminum smelting facility and not to any**
55 **other residential customer or residential customer class. All charges made or demanded**
56 **by an electrical corporation that do not recover from an aluminum smelting facility any**
57 **and all costs directly attributable or related to the provision of electric power and delivery**
58 **services to that aluminum smelting facility are declared to be unjust, unreasonable, unduly**
59 **discriminatory, and in violation of subsections 2 and 3 of this section.**

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