

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2265, Page 6, Section 386.390, Line 32,
2 by inserting immediately after all of said section and line the following:

3
4 "386.510. With respect to commission orders or decisions issued on and after July 1, 2011,
5 within thirty days after the application for a rehearing is denied, or, if the application is granted,
6 then within thirty days after the rendition of the decision on rehearing, the applicant may file a
7 notice of appeal with [~~the commission, which shall also be served on the parties to the commission~~
8 ~~proceeding in accordance with section 386.515, and which the commission shall forward to]~~ the
9 appellate court with the territorial jurisdiction over the county where the hearing was held or in
10 which the commission has its principal office for the purpose of having the reasonableness or
11 lawfulness of the original order or decision or the order or decision on rehearing inquired into or
12 determined. Such notice of appeal shall be served on the commission and each party to the
13 commission proceeding in accordance with section 386.515. Except with respect to a stay or
14 suspension pursuant to subsection 1 of section 386.520, no new or additional evidence may be
15 introduced in the appellate court but the cause shall be heard by the court without the intervention of
16 a jury on the evidence and exhibits introduced before the commission and certified to by it. The
17 notice of appeal shall include the appellant's application for rehearing, a copy of the reconciliation
18 required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full
19 and complete list of the parties to the commission proceeding, and any other information specified
20 by the rules of the court. Unless otherwise ordered by the court of appeals, the commission shall,
21 within thirty days of the filing of the notice of appeal, certify its record in the case to the court of
22 appeals. The commission and each party to the action or proceeding before the commission shall
23 have the right to intervene and participate fully in the review proceedings. Upon the submission of
24 the case to the court of appeals, the court of appeals shall render its opinion either affirming or
25 setting aside, in whole or in part, the order or decision of the commission under review. In case the
26 order or decision is reversed by reason of the commission failing to receive testimony properly
27 proffered, the court shall remand the cause to the commission, with instructions to receive the
28 testimony so proffered and rejected, and enter a new order or render a new decision based upon the
29 evidence theretofore taken, and such as it is directed to receive. The court may, in its discretion,
30 remand any cause which is reversed by it to the commission for further action. No court in this
31 state, except the supreme court or the court of appeals, shall have jurisdiction or authority to review,
32 reverse, correct or annul any order or decision of the commission or to suspend or delay the
33 executing or operation thereof, or to enjoin, restrain or interfere with the commission in the
34 performance of its official duties. The appellate courts of this state shall always be deemed open for
35 the trial of suits brought to review the orders and decisions of the commission as provided in the
36 public service commission law and the same shall where necessary be tried and determined as suits

Action Taken _____ Date _____

1 in equity.

2 386.515. With respect to commission orders or decisions issued on and after July 1, 2011,
3 an application for rehearing is required to be served on all parties and is a prerequisite to the filing
4 of an appeal under section 386.510. The application for rehearing puts the parties to the proceeding
5 before the commission on notice that an appeal can follow and any such review under the appeal
6 may proceed provided that a copy of the notice of appeal is served on said parties. With respect to
7 commission orders or decisions issued on and after July 1, 2011, the review procedure provided for
8 in section 386.510 continues to be exclusive except that a copy of the notice of appeal required by
9 section 386.510 shall be served on the commission and each party to the proceeding before the
10 commission by the appellant according to the rules established by the court in which the appeal is
11 filed."; and

12
13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.