

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for House Bill No. 0613, Page 1, Section A, Line 4 by inserting after all of said Section and Line the following:

“386.370. 1. Prior to the beginning of each fiscal year, the commission shall[, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947,] make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392, and 393. Prior to the beginning of each fiscal year, the public counsel shall make an estimate of the expenses to be incurred by him or her during such fiscal year reasonably attributable to his or her responsibilities under sections 387.700 and 386.710. The commission and the public counsel shall also separately estimate the amount of such expenses directly attributable to [such regulation of] each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies [and telephone corporations, telegraph corporations], telecommunications companies, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.

2. The commission and the public counsel shall each allocate to each such group of public utilities the total estimated expenses directly attributable to [the regulation of] their respective activities for each such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar

1 year. The commission shall then assess the amount so allocated by the commission and the public
2 counsel to each group of public utilities, subject to reduction as herein provided, to the public
3 utilities in such group in proportion to their respective gross intrastate operating revenues during
4 the preceding calendar year, except that:

5 (1) The total amount so assessed to all such public utilities that is attributable to the
6 commission's regulation of such utilities shall not exceed [one-fourth] twenty-two hundredths of
7 one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction
8 of the commission; and

9 (2) The total amount so assessed to all such public utilities that is attributable to the public
10 counsel's responsibilities under sections 386.700 and 386.710 shall not exceed two hundredths of
11 one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction
12 of the commission, and the amount allocated to telecommunications companies shall not exceed
13 three percent of the total estimated expenses directly attributable to the public counsel's
14 responsibilities.

15
16 If any electrical corporation obtains a combined license granted by the United States Nuclear
17 Regulatory Commission or a successor organization then during the fiscal year immediately
18 following the year in which the combined license was granted, and for each fiscal year thereafter,
19 the total amount assessed under subdivision (1) of this subsection shall increase to an amount not
20 to exceed twenty-three hundredths of one percent of the total gross intrastate operating revenues
21 of all utilities subject to the jurisdiction of the commission, and the total amount assessed under
22 subdivision (2) of this subsection shall increase to an amount not to exceed three hundredths of
23 one percent of the total gross intrastate operating revenues of all utilities subject to the jurisdiction
24 of the commission. Nothing in this section shall authorize the commission to determine how the
25 public counsel allocates the estimated expenses directly attributable to his or her responsibilities
26 under sections 386.700 and 386.710 with respect to the public utilities described in subsection 1

1 of this section or how the assessment imposed under this section is spent by the public counsel.

2 3. The commission shall render a statement of [such assessment] the assessments made
3 under subsections 1 and 2 of this section to each such public utility on or before July first and the
4 [amount] amounts so assessed to each such public utility shall be paid by it to the director of
5 revenue in full on or before July fifteenth next following the rendition of such statement, except
6 that any such public utility may at its election pay such assessment in four equal installments not
7 later than the following dates next following the rendition of said statement, to wit: July fifteenth,
8 October fifteenth, January fifteenth and April fifteenth. The director of revenue shall remit such
9 payments to the state treasurer.

10 4. The state treasurer shall respectively credit such payments to [a] two special [fund]
11 funds, which [is] are hereby created, to be known as "The Public Service Commission Fund",
12 which fund, or its successor fund created pursuant to section 33.571, shall be devoted solely to the
13 payment of expenditures actually incurred by the commission and attributable to the regulation of
14 such public utilities subject to the jurisdiction of the commission, as aforesaid, and "The Public
15 Counsel Fund", which fund, or any successor fund, shall be devoted solely to the payment of
16 expenditures actually incurred by the public counsel and attributable to his or her responsibilities
17 under sections 386.700 and 386.710. Any [amount] amounts remaining in such special [fund]
18 funds or [its] their respective successor [fund] funds at the end of any fiscal year shall not revert to
19 the general revenue fund, but shall be applicable by appropriation of the general assembly to the
20 payment of such expenditures of the commission or the public counsel in the succeeding fiscal
21 year and shall be applied by the commission or the public counsel to the reduction of the amount
22 to be assessed to such public utilities in such succeeding fiscal year, such reduction to be allocated
23 to each group of public utilities in proportion to the respective gross intrastate operating revenues
24 of the respective groups during the preceding calendar year.

25 5. In order to enable the commission and the public counsel to make the allocations and
26 assessments herein provided for, each public utility subject to the jurisdiction of the commission

1 as aforesaid shall file with the commission[, within ten days after August 28, 1996, and thereafter]
2 on or before March thirty-first of each year, a statement under oath showing its gross intrastate
3 operating revenues for the preceding calendar year, and if any public utility shall fail to file such
4 statement within the time aforesaid the commission shall estimate such revenue which estimate
5 shall be binding on such public utility for the purpose of this section.

6 393.135. 1. Any charge made or demanded by an electrical corporation for service, or in
7 connection therewith, which is based on the costs of construction in progress upon any existing or
8 new facility of the electrical corporation, or any other cost associated with owning, operating,
9 maintaining, or financing any property before it is fully operational and used for service, is unjust
10 and unreasonable, and is prohibited.

11 2. After October 1, 2011, an electrical corporation that seeks an early site permit from the
12 U.S. Nuclear Regulatory Commission, or a successor organization, shall, upon commencement of
13 the permitting process, submit monitoring reports to the commission every six months
14 documenting work completed, total expenditures to date, work yet to be completed, and
15 anticipated expenditures yet to be incurred in order to obtain the early site permit.

16 3. Notwithstanding the provisions of subsection 1 of this section, an electrical corporation
17 that has obtained an early site permit and that has complied with subsection 2 of this section shall
18 be entitled to recover through rates charged to ratepayers all costs the electrical corporation has
19 prudently incurred, from the first dollar through the cap outlined below, to obtain the permit in a
20 principal amount not to exceed forty-five million dollars for such site permit. Any electrical
21 corporation that, as part of a partnership or other group formed for such purpose, contributes or
22 otherwise bears any portion of the costs incurred to obtain an early site permit shall also be
23 entitled to recover its share of such costs, provided the total principal amount does not exceed the
24 cost limitation included in this subsection. The principal amount shall be recovered through each
25 applicable electrical corporation's rates charged to its ratepayers ratably over a period not to
26 exceed twenty years. In addition to recovery of the principal amount, each applicable electrical

1 corporation's rates shall also include interest on the uncollected principal balance at a rate per
2 annum equal to the electrical corporation's commission-approved return on rate base. Recovery
3 shall commence with the effective date of tariffs approved by the commission in each applicable
4 electrical corporation's first general rate proceeding following the date on which the early site
5 permit is obtained.

6 4. If an electrical corporation has recovered from ratepayers expenditures for an early site
7 permit pursuant to subsection 3 of this section and then subsequently sells or transfers some or all
8 of its interest in the early site permit or subsequently receives reimbursement for all or part of its
9 costs from another source, the commission shall prescribe how the electrical corporation shall
10 credit the sums paid by ratepayers that are equal to such sale, transfer, or reimbursement amounts
11 after the proceeds from the sale, transfer, or reimbursement are received. The commission shall
12 also prescribe how any profits from such sale or transfer are shared between the electrical
13 corporation and ratepayers. Credits made to ratepayers shall include interest on the uncredited
14 balance at a rate per annum equal to the electrical corporation's commission-approved short-term
15 borrowing rate.

16 5. If an electrical corporation that obtains an early site permit does not obtain a combined
17 license from the U.S. Nuclear Regulatory Commission, or a successor organization, for the
18 construction and operation of a nuclear generating facility by the time the early site permit
19 expires, or does not commence construction of such a facility by the time the early site permit
20 expires, the commission shall open a proceeding to examine whether the electrical corporation
21 was imprudent in not obtaining the combined license or not commencing construction by the time
22 the early site permit expired. If, after hearing, the commission determines that the electrical
23 corporation acted imprudently, the commission shall require the electrical corporation and any
24 other applicable electrical corporation to credit to ratepayers the amount of revenues deemed
25 imprudent by the commission that each electrical corporation collected pursuant to subsection 3 of
26 this section. If ratepayer credits are ordered, such credits shall return to ratepayers, over a period

1 of not less than five nor more than ten years, the amount of revenues deemed imprudent by the
2 commission, including interest on the uncredited balance at a rate per annum equal to the
3 electrical corporation's commission-approved short-term borrowing rate.”; and
4

5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.
7
8