

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:

“386.710. 1. The public counsel shall have the following powers and duties:

(1) He shall employ a staff or hire on a contract basis such employees and experts as are
necessary to carry out the purposes and responsibilities of his office, and shall set their
compensation within the appropriation made for that purpose;

(2) He may represent and protect the interests of [the public] residential, small
commercial, and agricultural customers in any proceeding before or appeal from the public service
commission;

(3) He shall have discretion to represent or refrain from representing [the public] the
interests of residential, small commercial, and agricultural customers in any proceeding. He shall
consider in exercising his discretion the importance and the extent of the [public interest] interests
[involved] of residential, small commercial, and agricultural customers involved and whether [that
interest] those interests would be adequately represented without the action of his office. If the
public counsel determines that there are conflicting [public] interests involved in a particular
matter, he may choose to represent one such interest based upon the considerations of this section,
to represent no interest in that matter, or to represent one interest and certify to the director of the
department of economic development that there is a significant [public] interest which he cannot
represent without creating a conflict of interest and which will not be protected by any party to the
proceeding. The director of the department shall select an attorney, to be paid from funds
appropriated for this purpose, to represent that segment of the [public] interests of residential,
small commercial, or agricultural customers certified to him by the public counsel as
unrepresented. Nothing in this section shall be construed to limit the right of any person, firm or
corporation specified in subsection 1 of section 386.390 to petition or make complaint to the
commission or otherwise intervene in proceedings or other matters before the commission.

2. The public counsel shall be served with all proposed tariffs, initial pleadings, and
applications, in all proceedings that affect the interests of residential, small commercial, or

1 agricultural customers before the public service commission, and shall be served with a copy of
2 all orders of the commission.

3 3. Nothing in sections 386.071, 386.150, 386.155, 386.170, 386.200, 386.330, 386.360,
4 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480, 386.500, 386.530, 386.540,
5 386.600, 386.700 and 386.710, shall be construed or interpreted to mean that the public counsel
6 shall not have the right to appeal any and all orders of the public service commission that affect
7 the interests of residential, small commercial, or agricultural customers to the courts [which right
8 of appeal exists and has existed since the time of transfer as provided in section 386.500].

9 4. He shall have all powers necessary or proper to carry out the duties specified in this
10 section.”; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.
14