

SECOND REGULAR SESSION

HOUSE BILL NO. 2210

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BARNES.

5827H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 386.390, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

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

Section A. Section 386.390, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.390, to read as follows:

386.390. 1. Complaint may be made by the commission of its own motion, or by the public counsel or any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any corporation, person or public utility[, including any rule, regulation or charge heretofore established or fixed by or for any corporation, person or public utility,] in violation, or claimed to be in violation, of any provision of law **subject to the commission's authority**, [or] of any rule **promulgated by the commission**, or of any tariff, order or decision of the commission; provided, that no complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electrical, water, sewer, or telephone corporation, unless the same be signed by the public counsel or the mayor or the president or chairman of the board of aldermen or a majority of the council, commission or other legislative body of any city, town, village or county, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers, or prospective consumers or purchasers, of such gas, electricity, water, sewer or telephone service.

2. All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of causes of action or

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.

18 grievances or misjoinder or nonjoinder of parties; and in any review by the courts of orders or
19 decisions of the commission the same rule shall apply with regard to the joinder of causes and
20 parties as herein provided.

21 3. The commission shall not be required to dismiss any complaint because of the absence
22 of direct damage to the complainant. Upon the filing of a complaint, the commission shall cause
23 a copy thereof to be served upon the public utility, corporation or person complained of.

24 4. Service in all hearings, investigations and proceedings pending before the commission
25 may be made upon any person upon whom summons may be served in accordance with the
26 provisions of the code of civil procedure of this state, and may be made personally or by mailing
27 in a sealed envelope with postage prepaid.

28 5. The commission shall fix the time when and the place where a hearing will be had
29 upon the complaint and shall serve notice thereof, not less than ten days before the time set for
30 such hearing, unless the commission shall find that the public necessity requires that such
31 hearing be held at an earlier date.

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