

FIRST REGULAR SESSION

# HOUSE BILL NO. 417

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MAYHEW.

0679H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 393, RSMo, by adding thereto fifteen new sections relating to the electric choice and competition act, with penalty provisions.

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

Section A. Chapter 393, RSMo, is amended by adding thereto fifteen new sections, to  
2 be known as sections 393.2000, 393.2010, 393.2020, 393.2030, 393.2040, 393.2050,  
3 393.2055, 393.2060, 393.2070, 393.2080, 393.2090, 393.2100, 393.2110, 393.2120, and  
4 393.2130, to read as follows:

**393.2000. Sections 393.2000 to 393.2130 shall be known and may be cited as**  
2 **"The Electric Choice and Competition Law".**

**393.2010. Consistent with the timelines established in section 393.2040, the**  
2 **provisions of sections 393.2000 to 393.2130 shall govern the sale of electric energy in the**  
3 **state of Missouri and any provision of law that conflicts with the provisions of sections**  
4 **393.2000 to 393.2130 shall be invalid and void.**

**393.2020. For purposes of sections 393.2000 to 393.2130, the commission is**  
2 **authorized to promulgate rules as necessary to implement these provisions, consistent**  
3 **with section 386.125. The commission may promulgate all necessary rules and**  
4 **regulations for the administration of sections 393.2000 to 393.2130. Any rule or portion**  
5 **of a rule, as that term is defined in section 536.010, that is created under the authority**  
6 **delegated in this section shall become effective only if it complies with and is subject to**  
7 **all of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
8 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
9 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**

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.

10 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
11 and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

393.2030. As used in sections 393.2000 to 393.2130, the following terms shall  
2 mean:

3 (1) "Aggregation program", a grouping of retail customers, usually residential  
4 customers, into a buying group to purchase energy generation services in bulk from a  
5 retail electric supplier;

6 (2) "Anticompetitive conduct" or "discriminatory conduct", actions of an  
7 electric utility that inhibit the ability of retail electric suppliers to provide electric supply  
8 to retail customers or that create an impression that any electric supply by the electric  
9 utility is superior to offerings in the competitive market or provides an advantage to any  
10 related retail electric supplier over nonaffiliated retail electric suppliers;

11 (3) "Commission", the public service commission of the state of Missouri;

12 (4) "Competitive procurement process", an auction or other competitive process  
13 in which wholesale electric suppliers submit bids to provide electric supply to the  
14 electric utility for purposes of serving default supply service;

15 (5) "Competitive transition charge", a nonbypassable charge mechanism for the  
16 recovery of transition or stranded costs by the electric utility over a limited time;

17 (6) "Default supply service", an electric supply service provided by the electric  
18 utility, or a nonutility entity selected by the commission, upon transition to a competitive  
19 market for customers who do not choose a retail electric supplier;

20 (7) "Delivery service rates", the charges for the delivery or transmission of  
21 electric power and energy;

22 (8) "Dual bill", an invoicing framework in which the retail customer receives a  
23 bill from the retail electric supplier that includes charges for electric supply services and  
24 another from the electric utility for transmission and distribution services;

25 (9) "Electric supply" or "electric supply services", the sale or purchase of  
26 electricity by a retail customer from a retail supplier or from a default supply service  
27 provider;

28 (10) "Electric utility" or "investor-owned utilities", an electric corporation as  
29 defined in subdivision 15 of section 386.020. "Electric utility" or "investor-owned  
30 utilities" shall not include municipally owned electric utilities operating under chapter  
31 91 or rural electric cooperatives operating under chapter 394, but such municipally  
32 owned or rural electric cooperatives may choose to opt into a competitive retail market  
33 and be bound by the applicable provisions of the electric choice and competition law;

34 (11) "Energy assistance customers", a residential customer who is qualified as  
35 eligible for energy-related billing assistance due to their income level and enrolled in an  
36 energy assistance program;

37 (12) "Hourly prices", the charges for default supply service that vary hour to  
38 hour and are determined from wholesale market prices using a methodology approved  
39 by the commission;

40 (13) "Independent system operator", an independent and federally regulated  
41 entity that coordinates regional transmission to ensure nondiscriminatory access to the  
42 electric grid and a reliable electricity system;

43 (14) "Large commercial and industrial customer", a customer receiving  
44 transmission and distribution service from the electric utility under a nonresidential  
45 tariff and whose maximum registered peak load was greater than 1000 kW within the  
46 last twelve months;

47 (15) "Market power", the reference to a company's relative ability to  
48 manipulate the market clearing price of an item by manipulating the level of supply,  
49 demand, or both;

50 (16) "Medium commercial or industrial customer", a customer receiving  
51 transmission and distribution service from the electric utility under a nonresidential  
52 tariff and whose maximum registered peak load was greater than 150 kW, but less than  
53 1000 kW, within the last twelve months;

54 (17) "Nonbypassable", a charge that all customers shall pay irrespective of their  
55 energy supplier;

56 (18) "Opt-out", an aggregation program that automatically enrolls participants  
57 in the grouping unless they individually opt out of the program and choose not to be  
58 included;

59 (19) "Rate unbundling", the process of separating the cost components of  
60 delivery services and electric supply services in the electric utility tariffs;

61 (20) "Residential customer", a customer receiving transmission and distribution  
62 service from the electric utility under a residential tariff;

63 (21) "Retail customer", a customer purchasing electric supply from the electric  
64 utility supplier or from a retail electric supplier;

65 (22) "Retail electric supplier", a person or entity licensed by the commission to  
66 furnish electric supply to retail customers;

67 (23) "Small commercial or industrial customer", a customer receiving  
68 transmission and distribution service from the electric utility under a nonresidential  
69 tariff and whose maximum registered peak load was less than 150 kW within the last  
70 twelve months;

71           **(24) "Supplier consolidated bill", an invoicing framework in which a single bill**  
72 **is provided to the retail customer by the retail electric supplier that includes charges for**  
73 **electric supply services and transmission and distribution services;**

74           **(25) "Transition costs" or "stranded costs", the costs that would have been**  
75 **recoverable by electric utilities in a monopoly environment but are not recoverable in a**  
76 **competitive generation market. Costs include electric generation related assets and**  
77 **other deferred charges, the unfunded portion of nuclear decommissioning costs,**  
78 **environmental expenses previously incurred, cost obligations under long term contracts,**  
79 **and consumer education and other costs associated with implementing electric choice, in**  
80 **addition to any costs approved by the commission. These costs are to be collected over a**  
81 **limited time period via the competitive transition charge;**

82           **(26) "Transmission and distribution service", the delivery of electricity provided**  
83 **by the electric utility over its transmission and distribution systems;**

84           **(27) "Utility consolidated bill", an invoicing framework in which a single bill is**  
85 **provided to the retail customer by the electric utility that includes charges for electric**  
86 **supply services and transmission and distribution services.**

**393.2040. 1. The commission shall develop procedures for a fair and orderly**  
2 **transition from the current monopoly structure to a competitive market for the**  
3 **generation and sale or purchase of electricity.**

4           **2. Electric utilities shall provide equal and open access over their transmission**  
5 **and distribution systems to allow retail electric suppliers to sell electricity directly to**  
6 **retail customers in this state.**

7           **3. Twenty-four months after August 28, 2025, the commission shall permit**  
8 **commercial and industrial customers of electric utilities to choose a retail electric**  
9 **supplier.**

10          **4. On a time frame selected by the commission, but no later than eighteen**  
11 **months following the date at which commercial and industrial customers are permitted**  
12 **to choose a retail electric supplier, the commission shall then permit residential**  
13 **customers of electric utilities to choose a retail electric supplier. Nothing in this section**  
14 **shall adversely affect the ability of energy assistance residential customers to retain**  
15 **access to all financial assistance benefits currently available to qualifying low-income**  
16 **customers, regardless of the retail customer's choice of supplier of electric supply**  
17 **services.**

**393.2050. 1. Consistent with the timelines established in section 393.2040, all**  
2 **retail customers of electric utilities shall have the ability to choose a retail supplier for**  
3 **electric supply services.**

4           **2. Each electric utility shall submit to the commission a restructuring plan to**  
5 **implement the ability for retail customers to choose a retail electric supplier for electric**  
6 **supply services. The plans shall be submitted, pursuant to a schedule established by the**  
7 **commission, on or before the date that is twelve months prior to the implementation**  
8 **date for the commercial and industrial customers to choose a retail electric supplier.**

9           **3. A restructuring plan shall include, in addition to other components**  
10 **determined by the commission, the following:**

11           **(1) Identification and quantification of transition or stranded costs, along with**  
12 **an explanation of mitigation efforts taken by the electric utilities to minimize these costs;**

13           **(2) Proposed nonbypassable transition charges for each customer class for the**  
14 **recovery of transition or stranded costs;**

15           **(3) Proposed unbundled rates for each customer class for generation,**  
16 **transmission, and distribution services;**

17           **(4) A description of the unbundling process, including an explanation of the**  
18 **steps taken by the electric utility to ensure that the proposed unbundled rates do not**  
19 **result in the creation of cross subsidies that adversely affect residential customers;**

20           **(5) Procedures for ensuring the ability to choose a licensed retail electric supplier**  
21 **for electric supply services;**

22           **(6) Procedures describing the ability of retail suppliers to obtain historic usage**  
23 **data, and other relevant information for pricing and invoicing and communication**  
24 **functions with retail customers;**

25           **(7) Provisions describing the procedures for the administration of and**  
26 **coordination between electric utilities and retail electric suppliers to provide access to**  
27 **retail customer data necessary for pricing, contracting, dual billing, utility consolidated**  
28 **billing, and supplier consolidated billing functions;**

29           **(8) Procedures governing the default supply service supply rates; and**

30           **(9) Tariffs and rate schedules implementing each of the above.**

31           **4. The commission shall review each restructuring plan and, after evidentiary**  
32 **hearings providing notice and opportunity to be heard for all parties, issue an order**  
33 **accepting, modifying, or rejecting the plan no later than six months from the filing of the**  
34 **plan. If the commission rejects the plan, it shall state the specific reasons and direct the**  
35 **electric utility to file an alternative plan within thirty days. The commission shall**  
36 **review the alternative plan and solicit comments from interested parties in a timely**  
37 **manner to enable the ability for commercial and industrial customers to choose a retail**  
38 **electric supplier in the time frame provided in section 393.2040.**

**393.2055. 1. Electric utilities shall unbundle the rates charged for generation,**  
2 **transmission, and distribution services for all customer classes consistent with the time**

3 frame for choosing a retail electric supplier as provided in sections 393.2040 and  
4 393.2050.

5       **2. Following the implementation of the unbundled rates under sections 393.2040**  
6 **and 393.2050, the commission shall no longer regulate generation of electricity as a**  
7 **public utility function except as otherwise provided for in the provision of default supply**  
8 **services in section 393.2090. The commission shall continue to regulate transmission**  
9 **and distribution of electricity as natural monopoly functions.**

**393.2060. 1. Each electric utility shall be permitted to recover transition or**  
2 **stranded costs, that traditionally would have been recoverable in a monopoly**  
3 **environment but are not recoverable in a competitive electric generation market and**  
4 **that the commission determines will remain following mitigation by the electric utility,**  
5 **in accordance with the time frame established by section 393.2040 and the divestiture**  
6 **process outcomes in section 393.2070.**

7       **2. The commission shall approve the recovery levels and time periods over which**  
8 **the stranded cost charges are to be collected via the competitive transition charge. The**  
9 **commission shall take into consideration the electric utility's previously expected rate of**  
10 **return on the generation assets, the proceeds obtained in the divestiture process, and the**  
11 **effect on the retail customer's cost levels. The commission may also consider other**  
12 **criteria deemed appropriate by the commission in assessing the stranded cost recovery**  
13 **levels and the period of collection.**

**393.2070. 1. At any time prior to and consistent with the time frame for**  
2 **choosing a retail electric supplier as provided in section 393.2040, electric utilities shall**  
3 **divest their generation assets. These generation assets may be divested at the discretion**  
4 **of the electric utility and with the approval of the commission:**

5       **(1) By selling generation assets to an unaffiliated entity, or entities, at a fair**  
6 **market value;**

7       **(2) By transferring generation assets to a nonutility affiliate at a fair market**  
8 **value; and**

9       **(3) By a combination of the methods of subdivisions (1) and (2) of this**  
10 **subsection.**

11       **2. During and after the divestiture process, the commission shall determine**  
12 **whether it is necessary to establish, in addition to existing independent system operator**  
13 **market power protections that may be applicable, an independent market monitor to**  
14 **ensure that no entity owns generation assets in an amount that gives that entity market**  
15 **power.**

2           **393.2080. 1. Consistent with the time frame for choosing a retail electric**  
3 **supplier as provided in sections 393.2040 and 393.2050, electric utilities shall provide**  
4 **default supply service to retail customers that do not choose a retail electric supplier.**

5           **2. Default supply service for large commercial and industrial customers shall**  
6 **consist of hourly prices for electric energy, along with any additional costs incurred in**  
7 **the provision of such services by the independent system operator.**

8           **3. Default supply service for medium commercial and industrial customers shall**  
9 **commence with a rate set every six months through a competitive procurement process**  
10 **along with any additional costs incurred in the provision of such services by the**  
11 **independent system operator. If at any time less than seventy percent of the annual**  
12 **megawatt hour consumption of this rate class is served by the competitively procured**  
13 **process, the commission shall initiate a proceeding within three months of the less than**  
14 **seventy percent threshold being reached to establish a process to phase out the**  
15 **competitively procured process and replace it with the hourly priced default supply**

16 **service.**

17           **4. Default supply service for small commercial and industrial customers shall**  
18 **commence with a rate set annually through a competitive procurement process along**  
19 **with any additional costs incurred in the provision of such services by the independent**  
20 **system operator. If at any time less than sixty percent of the annual megawatt hour**  
21 **consumption of this rate class is served by the competitively procured process, the**  
22 **commission shall initiate a proceeding within three months of the less than sixty percent**  
23 **threshold being reached to establish a process to phase out the competitively procured**  
24 **process and replace it with the hourly priced default supply service.**

25           **5. Default supply service for residential customers shall commence with a rate**  
26 **set annually through a competitive procurement process along with any additional costs**  
27 **incurred in the provision of such services by the independent system operator. If at any**  
28 **time less than fifty percent of the annual megawatt hour consumption of this rate class is**  
29 **served by the competitively procured process, the commission shall initiate a proceeding**  
30 **within three months of the less than fifty percent threshold being reached to establish a**  
31 **process to phase out the competitively procured process and replace it with the hourly**  
32 **priced default supply service or another default supply service approved by the**  
33 **commission.**

34           **6. Each of the competitive procurement processes in this section shall consist of a**  
35 **wholesale power auction or similar competitive process to establish a clearing price or**  
36 **rate, including energy, capacity, transmission, ancillary services, and other services**  
37 **identified by the commission, for the retail customers in each rate class that do not**  
38 **choose a retail electric supplier. These auctions shall occur on a commission-approved**

38 schedule consistent with the default supply services described above and as frequently  
39 as necessary.

40 7. For each default supply service rate class category, the retail rate shall also  
41 include all administrative and operational costs, including direct and indirect costs, that  
42 are incurred to provide default supply service to retail customers.

43 (1) Direct costs to provide default supply service shall be fully assigned to the  
44 rate for each rate class. Indirect or shared costs incurred to provide default supply  
45 service shall also be allocated to the rate for each rate class. The appropriate allocation  
46 of indirect or shared costs shall be determined in accordance with standard utility  
47 ratemaking practices and through a fully allocated cost study performed by the electric  
48 utility and presented to the commission, subject to stakeholder input. This cost study  
49 shall include each and every cost category that can reasonably be deemed to provide or  
50 support the provision of default supply service.

51 (2) The level of indirect costs to be recovered in the default supply service rate in  
52 this section shall be reevaluated at a time deemed appropriate by the commission but in  
53 no case greater than every six months. A commission-approved tariff shall be  
54 established to administer this quarterly cost and credit mechanism.

55 8. For each rate class, once an hourly priced default supply service provided by  
56 the electric utility has been in operation for six months, the commission shall initiate a  
57 proceeding to establish a process to phase out the electric utility provided hourly priced  
58 default supply service with an alternative electric supply service provided by one or  
59 more retail electric suppliers for the purpose of supplying retail customers in the rate  
60 class who do not choose a retail electric supplier.

393.2090. 1. The commission may establish a separate process for the supply of  
2 electric supply service for energy assistance customers in each electric utility service  
3 territory. This process shall include the grouping of this subset of residential customers  
4 into an aggregation program.

5 2. This aggregation of customers to be supplied electric supply services by a  
6 retail supplier shall be chosen by a competitive bidding process established by the  
7 commission for a term length established by this process. This competitive bidding  
8 process may be repeated in advance of the expiration of the initial term length for the  
9 next term.

10 3. The retail supplier selected in this process shall offer a price at or below the  
11 default supply service rate set annually through a competitive procurement process for  
12 residential customers as described in section 393.2080 for the same or similar term  
13 length. When the competitively procured process for default supply service for  
14 residential customers is replaced with an hourly default supply service for residential



15 customers, the commission may institute an alternative pricing threshold for acceptance  
16 for purposes of electric supply service under this energy assistance customer  
17 aggregation program.

18 4. Energy assistance customers shall have the ability to opt out of the electric  
19 supply service aggregation option but shall forgo their energy assistance relief if they do  
20 so.

21 5. The commission shall institute a public hearing regarding the energy  
22 assistance customer section to gather input on the rules prior to implementation of the  
23 energy assistance customer aggregation program.

393.2100. 1. All electric utilities have an obligation to provide open and  
2 nondiscriminatory access to their data and systems as needed for retail electric suppliers  
3 to provide electric supply and to establish and maintain an effective and vibrant  
4 competitive market in the purchase and sale of retail electricity in the state. All electric  
5 utilities shall continue to provide metering services but customer-specific data and other  
6 relevant customer information shall be made available to retail electric suppliers so long  
7 as the retail electric suppliers receive retail customer's consent for the release of the  
8 data.

9 2. The commission shall develop processes for retail electric suppliers to confirm  
10 and document the retail customer's consent to release data; however, such processes  
11 shall not require onerous signature or other requirements to be received from the retail  
12 customer. Commonly used digital signature or similar technologies consistent with  
13 current technological capabilities shall be allowed to confirm customer consent.

14 (1) Historical usage data access shall include at least two years of customer usage  
15 or metering data and other customer information required to facilitate an electric  
16 supply transaction to include, but not be limited to, customer class details, capacity and  
17 transmission allocations, and loss factors.

18 (2) Historical usage data shall include both monthly summaries and hourly  
19 interval data, if available, both at the kilowatt hour energy and kilowatt demand levels.

20 (3) While a retail customer is under contract for electric supply with a retail  
21 electric supplier, the electric utility shall make available to the retail electric supplier  
22 such usage data as necessary to facilitate invoicing in a timely manner.

23 3. Retail customers shall have the ability to select their preferred billing method  
24 including, but not limited to, utility consolidated billing of electric supply services and  
25 delivery service charges, supplier consolidated billing of electric supply services and  
26 delivery service charges, as well as the dual billing option for these charges.

27           **4. The dual billing option shall be available and operational when commercial**  
28 **and industrial customers can choose their retail supplier for electric supply services as**  
29 **provided in section 393.2040.**

30           **5. The commission shall institute a proceeding to develop the necessary**  
31 **procedures and requirements to implement the utility consolidated billing and supplier**  
32 **consolidated billing methods to be in place and operational by the commencement of the**  
33 **ability for residential customers to choose their retail electric supplier as provided in**  
34 **section 393.2040.**

35           **6. Within six months of residential customers gaining the ability to choose a**  
36 **retail electric supplier, electric utilities shall implement an accelerated switching process**  
37 **so residential customers may change retail electric suppliers within three business days**  
38 **of receiving the enrollment transaction. Additionally, residential and small commercial**  
39 **and industrial customers moving within an electric utility's territory shall have their**  
40 **retail electric supplier of electric supply services transferred directly to their new service**  
41 **location without being required to switch to a default supply service rate provided by**  
42 **the electric utility or other supplier.**

43           **7. The commission is authorized to investigate and establish guidelines for**  
44 **additional programs designed to enhance the retail customer's experience in choosing a**  
45 **retail electric supplier for electric supply services that improve the ability of retail**  
46 **electric suppliers to offer additional electric supply services and other related products**  
47 **and services to retail customers. Such programs may include, but are not limited to,**  
48 **purchase of receivables, demand-response, net-metering incentives, community solar,**  
49 **customer referral, and municipal aggregation programs.**

**393.2110. 1. Six months after August 28, 2025, the commission shall commence a**  
2 **proceeding to develop a robust customer education program to ensure that all retail**  
3 **customers have access to accurate information about their ability to choose a retail**  
4 **electric supplier. The proceeding shall explore ways for the commission to partner with**  
5 **electric utilities and for retail electric suppliers to disseminate commission-endorsed**  
6 **educational pieces as well as appropriate cost recovery from all customers to support the**  
7 **customer education program. The commission, at its discretion, may delegate to the**  
8 **office of retail market development some or all of the administrative work required in**  
9 **the development of the customer education program.**

10           **2. To the extent the costs for the customer education program are known when**  
11 **the restructuring plans are filed, costs may be approved for recovery through the**  
12 **nonbypassable competitive transition charge.**

13           **3. The commission shall explore the use of a website option, or shopping website,**  
14 **that explains the choices and makes comparisons between the electric supply services**  
15 **and related products being offered by retail electric suppliers.**

**393.2120. 1. No entity shall engage in the business of electric supply services in**  
2 **this state unless such entity holds a retail electric supplier license issued by the**  
3 **commission. The commission shall issue such license only upon finding that the entity is**  
4 **fit, willing, and able to properly perform the service proposed and to conform to all legal**  
5 **requirements consistent with the public interest and the policies declared in this section.**

6           **2. The commission shall develop a licensing process to ensure retail electric**  
7 **suppliers seeking to do business in the state submit a license application to the**  
8 **commission, subject to rules and regulations promulgated by the commission including,**  
9 **but not limited to:**

10           **(1) A standard written application to gather the information needed to assess the**  
11 **technical fitness of an applicant or its management team;**

12           **(2) Internal procedures to process written applications no later than ninety days**  
13 **after they are properly submitted;**

14           **(3) Reasonable financial security requirements to ensure the financial**  
15 **responsibility of the retail electric supplier; the electric supply services to retail**  
16 **customers in accordance with contracts, agreements, or arrangements; and the payment**  
17 **of all required applicable state taxes;**

18           **(4) Each entity that applies for a retail electric supplier license shall pay a**  
19 **licensing fee and execute and maintain a bond or other financial surety instrument**  
20 **issued by a qualifying surety or insurance company or other financial institution**  
21 **authorized to transact business in the state:**

22           **(a) The amount of the licensing fee shall not exceed ten thousand dollars;**

23           **(b) The amount of the surety shall equal five hundred thousand dollars per retail**  
24 **electric supplier license as issued by the commission; and**

25           **(c) The financial surety shall be conditioned upon the full and faithful**  
26 **performance of all duties and obligations of the applicant as a retail electric supplier**  
27 **and shall be valid for a period of not less than one year. The cost of the surety shall be**  
28 **paid by the applicant. The applicant shall file a copy of this surety, with a notarized**  
29 **verification page from the issuer, as part of its application for certification; and**

30           **(5) Applicants shall complete a commission-approved training and certification**  
31 **process.**

32           **3. The commission shall monitor the retail power market for the supply and**  
33 **distribution of electricity to retail customers and take steps to prevent anticompetitive**  
34 **or discriminatory conduct and the unlawful exercise of market power.**

35           **4. The commission shall have the authority under this section to impose civil**  
36 **penalties, after due process, in an amount not to exceed one hundred thousand dollars**  
37 **per violation, on entities that engage in anticompetitive or discriminatory conduct and**  
38 **the unlawful exercise of market power.**

39           **5. Any proceedings initiated pursuant to this section shall be subject to the**  
40 **provisions of sections 386.400 to 386.610 relating to procedure before the commission**  
41 **and the provisions of sections 386.700 and 386.710 relating to the office of public**  
42 **counsel. Provisions of these sections that are applicable to proceedings involving electric**  
43 **utilities shall apply equally to retail electric suppliers.**

**393.2130. 1. The commission shall establish an "Office of Retail Market**  
2 **Development and Oversight", herein after referred to as the "office", to be funded by**  
3 **an annual assessment of retail electric suppliers based on a formula to be determined by**  
4 **the commission not to exceed twenty thousand dollars annually per licensed entity.**

5           **2. The office shall have the authority to actively seek input from all interested**  
6 **parties and to develop a thorough understanding and critical analyses of the tools and**  
7 **techniques used to promote retail energy competition.**

8           **3. The office shall monitor existing competitive power market related conditions**  
9 **in the state, identify barriers to retail competition for all customer classes, and actively**  
10 **explore and propose to the commission solutions to overcome identified barriers and**  
11 **enhance the competitive retail power market.**

12           **4. The office shall publish a report at least annually, as determined by the**  
13 **commission, including the number of complaints filed against each retail electric**  
14 **supplier, post resolution, and other information deemed relevant by the office.**

15           **5. The office shall have the authority to address violations by retail electric**  
16 **suppliers through the imposition of a probationary status which may include, but not be**  
17 **limited to, enhanced oversight, additional reporting requirements, and submission for**  
18 **commission approval of a plan for any fines or remediation to customers specific to any**  
19 **retail electric supplier that violates regulations or any rules subject to this section.**

20           **6. The office shall report to the commission any recommendations for suspension**  
21 **or revocation of a retail supplier's license.**

22           **7. The office shall develop and implement, with stakeholder input, a commission-**  
23 **approved program that requires a designated representative of each licensed retail**  
24 **electric supplier to demonstrate a thorough understanding of the commission's**  
25 **regulations regarding sales, consumer protection, and any other matter the**  
26 **commission deems appropriate through an online training program.**

27           **8. At the conclusion of the training, the office shall conduct an online**  
28 **examination and, on a satisfactory score, certify that the designated representative of**

29 the licensed retail electric supplier has successfully completed the training in a timely  
30 manner.

31 9. The office shall determine the schedule and frequency by which a designated  
32 representative of a licensed retail electric supplier shall complete the training and  
33 certification. The commission shall not issue a license to a new retail electric supplier  
34 until a designated representative completes the training and certification.

35 10. The office shall make recommendations to the commission concerning the  
36 establishment of guidelines for the provision of electric supply services to residential  
37 customers that ensure:

38 (1) Accurate and adequate pricing information through marketing and  
39 disclosure statements;

40 (2) An understandable format that enables comparing prices and services on a  
41 uniform basis; and

42 (3) Clear processes to confirm and document a customer's intent to switch retail  
43 electric suppliers to avoid any unauthorized switches of retail electric suppliers for  
44 electric supply services.

45 11. The office, at the discretion of the commission, may be tasked with some or  
46 all of the administrative work required in the development of the customer education  
47 program.

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