

SECOND REGULAR SESSION

SENATE BILL NO. 844

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Read 1st time February 27, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6007S.011

AN ACT

To repeal sections 386.170, 386.180, and 386.510, RSMo, and to enact in lieu thereof three new sections relating to the public service commission.

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

Section A. Sections 386.170, 386.180, and 386.510, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 386.170,
3 386.180, and 386.510, to read as follows:

386.170. The members of the public service commission are hereby made
2 and constituted a publications commission to select and designate what findings,
3 orders and decisions of the public service commission shall be published in a
4 series of volumes designated "Reports of the Public Service Commission of the
5 State of Missouri" and to supervise and cause to be prepared the syllabi for the
6 findings, orders and decisions, and to select and designate such other works,
7 papers or studies of the public service commission relating to the field of public
8 utilities regulation that may be of interest to the public and to cause them to be
9 published in pamphlet [or], book, **or electronic** form.

386.180. 1. It shall be the duty of the publications commission to meet
2 from time to time, as occasion may demand, and select from the findings, orders
3 and decisions of the public service commission the decisions which in the
4 judgment of the publications commission should, for public information and use,
5 be officially reported and published and when sufficient of such decisions have
6 been designated to constitute a volume to cause same to be published in [a] **an**
7 **electronic or** bound volume numbered serially and designated, "Reports of the
8 Public Service Commission of the State of Missouri".

9 2. The publications commission shall cause to be published from time to

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 time an advance sheet of the public service commission reports containing all
11 decisions of the public service commission theretofore selected and designated by
12 the publications commission for official publication and not before officially
13 published. Such reports shall be competent evidence of the findings, orders and
14 decisions of the public service commission therein contained without any further
15 proof or authentication thereof.

16 3. The publications commission shall also supervise and cause to be
17 prepared all syllabi or headnotes prefixed to such published findings, orders and
18 decisions of the public service commission and shall cause to be prepared and
19 published as a part of each publication herein provided an adequate index, table
20 of cases and digest of the cases reported therein.

21 4. The publications commission shall also from time to time select and
22 designate such other works, papers or studies of the public service commission
23 relating to the field of public utilities regulation that may in the judgment of the
24 publications commission be of interest to the public and cause same to be
25 published in pamphlet [or], book, **or electronic** form. The official reports,
26 advance sheets and other publications published by the publications commission
27 shall be made available for sale to the public at a price to be fixed by the
28 publications commission, which price shall approximate the actual cost of
29 printing.

386.510. With respect to commission orders or decisions issued on and
2 after July 1, 2011, within thirty days after the application for a rehearing is
3 denied, or, if the application is granted, then within thirty days after the
4 rendition of the decision on rehearing, the applicant may file a notice of appeal
5 with the commission, which shall also be served on the parties to the commission
6 proceeding in accordance with section 386.515, and which **the commission** shall
7 [also be filed with] **forward to** the appellate court with the territorial
8 jurisdiction over the county where the hearing was held or in which the
9 commission has its principal office for the purpose of having the reasonableness
10 or lawfulness of the original order or decision or the order or decision on
11 rehearing inquired into or determined. Except with respect to a stay or
12 suspension pursuant to subsection 1 of section 386.520, no new or additional
13 evidence may be introduced in the appellate court but the cause shall be heard
14 by the court without the intervention of a jury on the evidence and exhibits
15 introduced before the commission and certified to by it. The notice of appeal shall
16 include the appellant's application for rehearing, a copy of the reconciliation

17 required by subsection 4 of section 386.420, a concise statement of the issues
18 being appealed, a full and complete list of the parties to the commission
19 proceeding, and any other information specified by the rules of the court. Unless
20 otherwise ordered by the court of appeals, the commission shall, within thirty
21 days of the filing of the notice of appeal, certify its record in the case to the court
22 of appeals. The commission and each party to the action or proceeding before the
23 commission shall have the right to intervene and participate fully in the review
24 proceedings. Upon the submission of the case to the court of appeals, the court
25 of appeals shall render its opinion either affirming or setting aside, in whole or
26 in part, the order or decision under review. In case the order
27 or decision is reversed by reason of the commission failing to receive testimony
28 properly proffered, the court shall remand the cause to the commission, with
29 instructions to receive the testimony so proffered and rejected, and enter a new
30 order or render a new decision based upon the evidence theretofore taken, and
31 such as it is directed to receive. The court may, in its discretion, remand any
32 cause which is reversed by it to the commission for further action. No court in
33 this state, except the supreme court or the court of appeals, shall have
34 jurisdiction or authority to review, reverse, correct or annul any order or decision
35 of the commission or to suspend or delay the executing or operation thereof, or to
36 enjoin, restrain or interfere with the commission in the performance of its official
37 duties. The appellate courts of this state shall always be deemed open for the
38 trial of suits brought to review the orders and decisions of the commission as
39 provided in the public service commission law and the same shall where
40 necessary be tried and determined as suits in equity.

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