

## Session 105 - (1983-1984)

### S 0146 General Bill, By Drummond

#### Similar (H 2252)

A Bill to amend Section 56-5-5400, Code of Laws of South Carolina, 1976, relating to the authority of the Department of Highways and Public Transportation to promulgate regulations for the administration and enforcement of the inspection of motor vehicles, so as to authorize the Department to enforce certain regulations of the Public Service Commission concerning motor vehicle carriers; and to provide that the Department shall employ the current staff inspectors of the Transportation Division of the South Carolina Public Service Commission; to amend Section 58-5-240, relating to filing schedules of proposed new rates by a public utility, so as to prohibit the utility from placing into effect any new rates, tolls, rentals, charges, classifications, or regulations in full or in part prior to approval by the Commission; to provide that the Commission shall conduct a public hearing concerning the lawfulness or reasonableness of the proposed changes; to require the Commission to issue its order approving or disapproving either in full or in part within six months after the schedule is filed; to provide that if the Commission fails to issue its order within six months after the schedule is filed, the utility may change its rates charged for three months after filing a bond with the Commission, conditioned upon the refund if the rate or rates put into effect are determined to be excessive; to provide that if the Commission fails to issue its order within nine months after the schedule is filed, the utility may effect the change in rates it requested in its schedule without filing with the Commission a bond, with the change treated as an approval of the new rate schedule by the Commission; and to prohibit a utility from requesting a rate change until twelve months have elapsed from the date the schedule is filed with the Commission; to amend Section 58-9-520, relating to changes in rates by telephone utilities, so as to provide that the changes must not be put into effect in full or in part until approved by the Commission; to amend Section 58-9-540, relating to a hearing by the Commission on any new schedule of rates by a telephone utility, so as to require the Commission to issue its order approving or disapproving the rate changes either in full or in part within six months after the schedule is filed, the utility may change its rates charged for three months after filing a bond with the Commission, conditioned upon the refund if the rate or rates put into effect are determined to be excessive; to provide that if the Commission fails to issue its order within nine months after the schedule is filed, the utility may effect the change in rates it requested in its schedule without filing with the Commission a bond with the change treated as an approval of the new rate schedule by the Commission; and to prohibit the utility from requesting a rate change until twelve months have elapsed from the date the schedule is filed with the Commission; to amend Section 58-27-860, relating to an electrical utility not changing rates until after notice is given so as to require the utility to file a schedule setting forth the proposed changes when it desires to change its rates or tariffs; to provide that copies of the schedule must be given to other parties as directed by the Commission; and to prohibit the utility from placing into effect in full or in part any new rates or tariffs prior to approval by the Commission; to amend Section 58-27-870, relating to the hearing by the Public Service Commission on proposed rate changes in rates and the suspension of new rates pending a hearing of electrical utilities, so as to require the Commission to hold a public hearing concerning the lawfulness or reasonableness of the proposed changes; to require the Commission to issue its order approving or disapproving either in full or in part within six months after the schedule is filed; to provide that if the Commission fails to issue its order within six months after the schedule is filed, the utility may change its rates charged for three months after filing a bond with the Commission, conditioned upon the refund if the rate or rates put into effect are determined to be excessive; to provide that if the Commission fails to issue its order within nine months after the schedule is filed, the utility may effect the change in rates it requested in its schedule without filing with the Commission a bond, with the change treated as an approval of the new rate schedule by the Commission; and to prohibit the utility from requesting a rate change until twelve months have elapsed from the date the schedule is filed with the Commission; to amend Section 58-27-940, relating to the order of the Commission after a hearing has been conducted concerning a change in the schedule of rates of electrical utilities, so as to delete the provision requiring the utility to make refunds; and to make the schedule applicable on the date fixed by the original order of the Commission; to amend Section 58-3-140, relating to the powers of the Public Service Commission as to public utilities, so as to require the Commission to publish a policy manual setting forth uniform guidelines for the Commission's use in approving or disapproving changes in rates, tolls, rental charges or classification, or new regulations requested by a utility; and to require the Commission to publish an order guide available for public inspection; to amend Section 58-31-380, relating to the requirement that the Public Service Authority make an annual report to the Public Service Commission as to the rates charged by it, so as to limit the Authority to two rate increases per year; and to require public meetings solely for consideration of electricity rate increases and notice of the meetings; by adding Section 58-3-95, so as to provide that a panel of three members of the Commission appointed by the chairman shall hear and rule on the proposed changes by a utility with fewer than ten thousand customers as of the date of the filing of the schedule; by adding Section 5-31-690, so as to limit to two rate increases per year any municipality that operates and maintains electric light works for the use of the municipality and its inhabitants; to require the municipality to hold public meetings at least two times

per year solely for consideration of electric light works issues; and to require notice of the meetings at least two weeks in advance; by adding Section 58-27-825, so as to limit to two rate increases per year an electric cooperative or political subdivision; to require the electric cooperative or political subdivision to hold public meetings at least two times per year solely for consideration of electric light works issues; and to require notice of the meetings at least two weeks in advance; by adding Section 58-31-400, so as to require the Public Service Authority to submit its annual budget to the House Ways and Means Committee to be considered as a regular part of the General Appropriations Act for information purposes only; by adding Section 58-27-865, so as to provide criteria by which the Commission shall determine fuel adjustment costs for electrical utilities; to repeal Section 58-5-250, relating to public utility suspension of schedule, giving bond to put schedule into effect, and interest on disallowed increases; Article 5 of Chapter 5 of Title 58, relating to prescribing gas rates in advance of hearing; Section 58-9-220, relating to the requirement of telephone utilities to file schedules of all rates and regulations with the Public Service Commission; Section 58-9-550, relating to telephone utilities and the requirement that new rates may be put into effect despite suspension upon the filing of bond and interest on disallowed increases; Section 58-9-560, relating to the burden of proof upon a telephone utility to show the reasonableness of any such proposed change in rates and charges; Section 58-9-580, relating to telephone utilities and legal action that may be taken to recover excessive payments which have not been refunded; Articles 1, 3, 5, 7, 9 and 11 of Chapter 23 of Title 58, relating to the regulation of motor vehicle carriers by the Public Service Commission; Section 58-27-880, relating to electric utilities and the provisions that suspended rates may be effective by giving bond and interest on disallowed increases; Section 58-27-890, relating to electric utilities and records of payments during the period of suspension; Section 58-27-900, relating to electric utilities and the provisions that the Commission shall determine rates if it finds present rates unjust; and Section 58-27-910, relating to electric utilities and suits for refunds if rates are disapproved; to require that the Department of Highways and Public Transportation to issue a report to the General Assembly within one year from the effective date of this Act setting forth recommendations concerning the continued exemption from safety regulations of certain motor vehicles; and to reauthorize the existence of the Public Service Commission for two years.

**01/20/83 Senate Introduced and read first time SJ-210**

**01/20/83 Senate Referred to Committee on Judiciary SJ-214**