

## Session 105 - (1983-1984)

**H\*2252 (Rat #0240, Act #0138 of 1983) General Bill, By Sheheen, R.B. Brown, V.L. Crocker, C.M. Dangerfield, T.J. Ervin, Kirsh, D.M. McEachin, E.M. Middleton and Wilkins**

***Similar (S 0146)***

A Bill to amend Section 58-5-240, Code of Laws of South Carolina, 1976, relating to filing schedules of proposed new rates by a public utility, so as to require the utility to give not less than thirty days' notice of its intention to file a new schedule; prohibit the utility from placing into effect any new rates, tolls, rentals, charges, classifications, or regulations prior to approval by the Public Service Commission; provide that the Commission shall hold a public hearing concerning the lawfulness or reasonableness of the changes; provide that the Commission shall issue its order on the changes within six months after the schedule is filed; provide that the Commission may extend the six-month period for five days; provide for the utility to put the rates requested into effect under bond only during an appeal from an order of the Commission and until final disposition of the case; provide that other arrangements for the protection of interested parties may be substituted for the bond; provide that refunds shall bear interest at a rate of twelve percent per annum and must be the difference between the amount collected under bond and the amount approved; provide that if the Commission fails to rule or issue its order within the time prescribed in this Section, the utility may effect the change in rates it requested; provide that after the schedule is filed, no further rate change request may be filed until twelve months have elapsed unless the request is for a rate reduction; and to allow the Commission to put into effect rates or tariffs without a hearing when a determination of the entire rate structure and overall rate of return is not required or when the rates or tariffs do not result in any rate increase or when the rates or tariffs are for experimental purposes; to amend Section 58-9-520, relating to changes in rates by telephone utilities, so as to require the utility to give the Commission not less than thirty days' notice of its intention to file a new schedule which affects the utility's general body of subscribers, except when the proposal institutes or modifies an offering or regulation not part of a general rate case and does not affect the utility's general body of subscribers, and provide that the proposed changes must not be put into effect until approved by the Commission; to amend Section 58-9-540, relating to hearings on new schedules of rates by a telephone utility, so as to provide that the Commission shall hold a hearing concerning the lawfulness or reasonableness of changes in its rates if the changes affect the utility's general body of subscribers; allow the Commission to approve the new schedule without a hearing when the proposal institutes or modifies an offering or regulation that is not part of a general rate case and does not affect the utility's general body of subscribers; require the Commission to rule and issue its order on the changes within six months of the filing time when a requested new rate affects the utility's general body of subscribers; provide that the Commission may extend the six-month period for five days; provide for the utility to put the rates requested into effect under bond only during an appeal from an order of the Commission and until final disposition of the case; provide that other arrangements for the protection of interested parties may be substituted for the bond; provide that refunds shall bear interest at a rate of twelve percent per annum and must be the difference between the amount collected under bond and the amount approved; provide that if the Commission fails to rule or issue its order within the time prescribed in this Section, the utility may effect the change in rates it requested; and provide that after the schedule is filed no further rate change request which affects the utility's general body of subscribers may be filed until twelve months have elapsed unless the request is for a rate reduction; to amend Section 58-27-860, relating to rate changes of an electrical utility, so as to require the utility to give not less than thirty days' notice of its intention to file a new schedule; require that the Commission may direct the utility to give copies of the schedule to other parties; and to prohibit the utility from placing into effect the proposed changes until approval by the Commission, subject to the provisions of Section 58-27-870; to amend Section 58-27-870, relating to the hearing by the Commission on rate changes and suspension of rates, so as to provide that the Commission shall hold a public hearing concerning the lawfulness or reasonableness of proposed changes in its rates or tariffs; provide that the Commission shall issue its order on the changes within six months when the changes relate to rates or tariffs; provide that the Commission may extend the six-month period for five days; provide for the utility to put the rates requested into effect under bond only during an appeal from an order of the Commission and until final disposition of the case; provide that other arrangements for the protection of interested parties may be substituted for the bond; provide that refunds shall bear interest at a rate of twelve percent per annum and must be the difference between the amount collected under bond and the amount approved; provide that if the Commission fails to rule or issue its order within the time prescribed in this Section, the utility may effect the change in rates it requested; provide that after the schedule is filed, no further rate change request may be filed until twelve months have elapsed unless the request is for a rate reduction; and to allow the Commission to put into effect rates or tariffs without a hearing when a determination of the entire rate structure and overall rate of return is not required or when the rates or tariffs do not result in any rate increase or when the rates or tariffs are for experimental purposes or when the filed rates or tariffs are necessary to obtain an orderly rate administration; to amend Section 58-27-940, relating to Commission orders after hearings concerning changes in rates of electrical utilities, so as to delete the provision requiring the utility to make refunds; to amend

Section 58-3-140, relating to powers of the Commission as to public utilities, so as to require the Commission to publish a policy manual setting forth guidelines for administration of the Commission; to require the Commission to facilitate access to its general rate request orders in contested matters involving over one hundred thousand dollars by publishing an order guide to be available for public inspection; provide that the Commission shall promulgate regulations to require direct testimony of witnesses appearing on behalf of utilities and persons having formal intervenor status, to be reduced to writing and prefiled with the Commission before a hearing; and insure specific exclusion from Commission jurisdiction; to amend Section 58-3-60, relating to employment of Commission staff, so as to allow the Commission to employ administrative law judges or hearing officers to preside over rate hearings and other matters and provide for the judge's or officer's authority, compensation, costs, and expenses; to amend Section 58-23-60, relating to certain businesses exempt from Chapter 58, so as to include motor vehicles used by a county to transport passengers or property; to amend Section 58-23-50, as amended, relating to certain transportation exempt from Chapter 58, so as to include persons transporting agricultural livestock and poultry feeds, including ingredients, and haulers engaged in transporting chips or wood residues; to amend Section 58-9-320, as amended, relating to transactions of telephone utilities with affiliates, Section 58-11-180, relating to transactions of radio common carriers with affiliates, and Section 58-27-2090, relating to electrical utilities and charges by affiliated interests, so as to prohibit the Commission from allowing for rate-making purposes any fees or expenses included in any contract or agreement with an affiliate representing charges that the Commission has directly disallowed in its rate-making orders; to amend Section 58-23-530, relating to license fees for Class A certificate holders, and Section 58-23-550, relating to license fees for Class B certificate holders, so as to provide for annual fees to be paid by each holder of a certificate which has twenty or more vehicles; to amend Section 58-23-560, relating to license fees for Class C certificate holders, so as to provide for annual fees to be paid by each holder of a certificate which has twenty or more vehicles, decrease the fees, and limit the total fee to fifty dollars per vehicle semiannually; to amend Section 58-11-60, relating to changes in rates by radio common carriers, so as to require the carrier to give not less than thirty days' notice of its intention to file a new schedule when the new rate affects the carrier's general body of subscribers, provide that a hearing is not required when the proposal institutes or modifies an offering or regulation not part of a general rate case and does not affect the carrier's general body of subscribers, and prohibit the carrier from placing into effect the proposed changes prior to approval by the Commission; to amend Section 58-11-70, relating to hearings on new schedules of rates for radio common carriers, so as to provide that the Commission shall hold a public hearing concerning the lawfulness or reasonableness of proposed changes in rates which affect the carrier's general body of subscribers, except when the proposal institutes or modifies an offering or regulation not part of a general rate case and does not affect the carrier's general body of subscribers; provide that the Commission shall issue its order on the changes within six months after the schedule is filed; provide for the carrier to put the rates requested into effect under bond only during an appeal from an order of the Commission and until final disposition of the case; provide that other arrangements for the protection of interested parties may be substituted for the bond; provide that refunds shall bear interest at a rate of twelve percent per annum and must be the difference between the amount collected under bond and the amount approved; provide that if the Commission fails to rule and issue its order within the time prescribed in this Section, the carrier may effect the change in rates it requested; and provide that after the schedule, which affects the carrier's general body of subscribers, is filed no further rate change request which affects the carrier's general body of subscribers may be filed until twelve months have elapsed unless the request is for a rate reduction; to amend Chapter 3 of Title 58, relating to the Commission, by adding Section 58-3-95 so as to provide that a panel of three members of the Commission shall hear and rule on the proposed changes by a corporation or person furnishing heat, water, sewerage collection, sewerage, disposal, or street railway service, or a telephone utility with fewer than ten thousand customers as of the date of filing; to amend Article 7 of Chapter 27 of Title 58, relating to rates and charges of electrical utilities, by adding Section 58-27-865 so as to provide criteria by which the Commission shall determine fuel adjustment costs for electrical utilities; to amend Article 3 of Chapter 31 of Title 58, relating to electric service and the public service authority, 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 printed as a regular part of the General Appropriation Act, for information purposes only; to amend Article 3 of Chapter 23 of Title 58, relating to certificates for motor vehicle carriers, by adding Section 58-23-330 so as to provide that applicants for a certificate or to amend a certificate to operate as a common carrier may be approved if the applicant is fit, willing, and able to perform the proposed service, but the Commission may deny the application if an intervenor shows or it is determined that the public convenience and necessity is already being served; and by adding Section 58-23-340 so as to prohibit any person to sell, lease, or transfer a certificate of public convenience and necessity for money, goods, services, or any other thing of value; and allow the transfer of a certificate incident to the sale or lease of property or assets of a regulated motor carrier if the Commission approves and if the certificate is not transferred for value or utilized to enhance the value of other property transferred; to amend Chapter 1 of Title 58, relating to general provisions for public utilities, services, and carriers, by adding Section 58-1-50 so as to prohibit public,

telephone, and electrical utilities subject to regulation by the Commission to include as part of its rate base any interest expenses paid to customers on refunds when putting a proposed rate increase into effect under bond; to amend Section 31 of Part II of Act 644 of 1978, relating to permanent provisions of the General Appropriation Act, so as to allow the Consumer Advocate to request the issuance by the Executive Director of the Commission of an order compelling a witness or company to produce or allow inspection of relevant evidence; provide for appeal if the Director issues or refuses to issue the order; and to allow objections to the issuance of the order to be filed; to prohibit any utility company, state public service authority, electric cooperative, or municipality to interrupt heating service to any residential customer for nonpayment of a bill until twenty-five days have elapsed from the date of billing and to allow any aggrieved person to petition the courts; to reauthorize the existence of the Public Service Commission for six years; and 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 rates and regulations with the 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 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; Section 58-27-880, relating to electric utilities and the provisions that suspended rates may be made 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.-amended title

<b>01/19/83</b>	<b>House</b>	<b>Introduced and read first time HJ-415</b>
<b>01/19/83</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-419</b>
<b>03/22/83</b>	<b>House</b>	<b>Committee report: Majority favorable with amend., minority unfavorable Judiciary HJ-1602</b>
<b>03/31/83</b>	<b>House</b>	<b>Special order, set for immediately follow disposition of S-119 (under H-2793) HJ-1817</b>
<b>04/12/83</b>	<b>House</b>	<b>Amended HJ-2144</b>
<b>04/12/83</b>	<b>House</b>	<b>Debate interrupted HJ-2160</b>
<b>04/13/83</b>	<b>House</b>	<b>Amended HJ-2187</b>
<b>04/13/83</b>	<b>House</b>	<b>Debate interrupted HJ-2199</b>
<b>04/14/83</b>	<b>House</b>	<b>Amended HJ-2243</b>
<b>04/14/83</b>	<b>House</b>	<b>Read second time HJ-2263</b>
<b>04/20/83</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-2316</b>
<b>04/20/83</b>	<b>Senate</b>	<b>Introduced and read first time SJ-1053</b>
<b>04/20/83</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-1058</b>
<b>05/25/83</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Judiciary SJ-1465</b>
<b>05/26/83</b>	<b>Senate</b>	<b>Read second time SJ-1518</b>
<b>05/26/83</b>	<b>Senate</b>	<b>Ordered to third reading with notice of amendments SJ-1518</b>
<b>05/26/83</b>	<b>Senate</b>	<b>Special order, set for consideration after H2336 (Appeals Court) SJ-1527</b>
<b>05/30/83</b>	<b>Senate</b>	<b>Amended SJ-1595</b>
<b>05/30/83</b>	<b>Senate</b>	<b>Read third time SJ-1626</b>
<b>05/30/83</b>	<b>Senate</b>	<b>Returned SJ-1626</b>
<b>06/01/83</b>	<b>House</b>	<b>Non-concurrence in Senate amendment HJ-3399</b>
<b>06/03/83</b>	<b>Senate</b>	<b>Senate insists upon amendment and conference committee appointed Holland, Turnipseed, Lake SJ-1848</b>
<b>06/07/83</b>	<b>House</b>	<b>Conference committee appointed Toal, Gregory &amp; J. Anderson HJ-3511</b>
<b>06/09/83</b>	<b>Senate</b>	<b>Free conference powers granted SJ-2010</b>
<b>06/09/83</b>	<b>Senate</b>	<b>Free conference committee appointed Holland, Lake, Turnipseed SJ-2015</b>
<b>06/09/83</b>	<b>House</b>	<b>Free conference powers granted HJ-3663</b>
<b>06/09/83</b>	<b>House</b>	<b>Free conference committee appointed Toal, Gregory &amp; J. Anderson HJ-3671</b>
<b>06/09/83</b>	<b>Senate</b>	<b>Free conference report received SJ-2020</b>
<b>06/10/83</b>	<b>House</b>	<b>Free conference report received HJ-3723</b>
<b>06/10/83</b>	<b>House</b>	<b>Free conference report adopted HJ-3747</b>
<b>06/10/83</b>	<b>Senate</b>	<b>Free conference report adopted SJ-2121</b>
<b>06/10/83</b>	<b>House</b>	<b>Ordered enrolled for ratification HJ-3766</b>

06/14/83

06/15/83

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06/29/83

Ratified R 240

Signed By Governor

Effective date 06/15/83

Act No. 138

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