

2016 -- S 2788

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LC005018  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - PUBLIC UTILITIES COMMISSION

Introduced By: Senator Louis P. DiPalma

Date Introduced: March 23, 2016

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-1-23 of the General Laws in Chapter 39-1 entitled "Public  
2 Utilities Commission" is hereby amended to read as follows:

3 **39-1-23. Administrative expenses -- Assessment against utilities. --** (a) The  
4 administrator shall aggregate the expenses of the division, including expenses incurred by the  
5 attorney general pursuant to § 39-1-19, and expenses incurred by the commission for each  
6 upcoming fiscal year and shall apportion and assess these expenses among the state's regulated  
7 utilities based upon approved budgets. When submitting the budget, the budget office shall  
8 clearly indicate the revenues from assessments. Included within this prospective assessment shall  
9 be those expenses expected to be incurred by the attorney general pursuant to § 39-1-19 for the  
10 upcoming fiscal year. The expenses anticipated by the attorney general and the commission for  
11 each upcoming fiscal year shall be communicated to the administrator within thirty (30) days of  
12 request by the administrator. The administrator shall thereupon apportion and assess one hundred  
13 percent (100%) of such expenses among the several public utility companies and common  
14 carriers located in this state in the proportion that the gross intrastate utility operating revenues of  
15 each public utility company and common carrier shall bear to the total gross intrastate utility  
16 operating revenues for the last preceding fiscal year of all public utility companies and common  
17 carriers; ~~provided, however, that any public utility or common carrier, whose gross intrastate~~  
18 ~~revenues in any fiscal year as reported to the administrator do not exceed one hundred thousand~~  
19 ~~dollars (\$100,000), shall not be subject to the assessment under the provisions hereof; and,~~

1 provided further, that all motor carriers subject to the provisions of chapter 12 of this title shall  
2 not be subject to the assessment under the provisions hereof. The sum so apportioned and  
3 assessed shall be in addition to any taxes payable to the state under any other provision of law.  
4 The assessments shall be divided between the commission and the division based upon the  
5 approved budgets.

6 (b) The administrator shall apply any budgetary balance or shortfalls remaining from a  
7 prior annual assessment toward the next upcoming fiscal year assessment to the division or the  
8 commission as appropriate.

9 (c) Upon collection from the several public utility companies and common carriers  
10 operating in this state, assessments and any state appropriations shall be deposited in an account  
11 to be known as the public utilities commission funding account. This fund shall be a restricted  
12 receipt account and shall be kept by the general treasurer separately and shall be paid out by the  
13 general treasurer only upon receipt of properly authenticated vouchers signed by the administrator  
14 or his or her designee for the division's share of the account. The same procedure shall be  
15 followed for the commission except that such vouchers shall be signed by the commission  
16 chairperson or his or her designee. The general treasurer shall provide for separate accounting of  
17 the division and commission budget and expenses. The moneys in the public utilities fund shall  
18 be expended by the administrator or the commission, as appropriate for meeting the expenses of  
19 the operation of the commission, the division and those expenses incurred by the attorney general,  
20 pursuant to § 39-1-19.

21 (d) The legislature may appropriate from the general funds such sums as are necessary  
22 for the regulation of public utilities.

23 (e) Notwithstanding any other provisions of title 39, taxicabs, limited public motor  
24 vehicles, and public motor vehicles shall be considered common carriers and public utility  
25 companies subject to the assessments set forth in this section.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act provides that taxicabs, limited public motor vehicles, and public motor vehicles  
2 would all be considered common carriers and public utility companies. The act would also  
3 eliminate the administrative expense assessment exemption given to utilities and carriers with  
4 revenue under one hundred thousand dollars (\$100,000).

5           This act would take effect upon passage.

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