

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2563-01
Bill No.: HB 1142
Subject: Public Service Commission: Utility Open Records
Type: Original
Date: January 22, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Public Service Commission*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

*Assumes costs to the Fund of \$66,213, \$73181, and \$75035 and offsetting increases in assessments against regulated utilities in the next three fiscal years.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government			

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the Office of the **Attorney General** and the **Department of Economic Development's Office of the Public Counsel** stated that the proposal would not cause their agencies to request additional resources.

Officials of the **Department of Economic Development - Public Service Commission** would request a Regulatory Law Judge to conduct hearings on motions for and opposition to requests for protective orders.

Oversight assumes the Public Service Commission would adjust assessments against regulated utilities to offset increased costs due to this proposal; **however, the amount of assessments against regulated utilities is limited to one-fourth of one percent (.0025) of gross intrastate operating revenues of all utilities under Commission jurisdiction. If assessments are insufficient to cover Commission costs then the Commission would have to seek an increase in the amount which may be assessed or seek funding for the Commission from different sources.**

Oversight also assumes that the new person could be located in existing office space and has removed rental costs from the fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
PUBLIC SERVICE COMMISSION FUND			
<u>Income</u> - Increased Assessments on Regulated Utilities	\$66,213	\$73,181	\$75,035
<u>Cost</u> - Public Service Commission			
Personal Service (1 FTE)	(\$40,231)	(\$49,484)	(\$50,722)
Fringe Benefits	(\$14,483)	(\$17,821)	(\$18,260)
Expense and Equipment	<u>(\$11,499)</u>	<u>(\$5,876)</u>	<u>(\$6,053)</u>
Administrative Cost to Commission	(\$66,213)	(\$73,181)	(\$75,035)
ESTIMATED NET EFFECT ON PUBLIC SERVICE COMMISSION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2003
(10 Mo.)

FY 2004

FY 2005

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small business would be expected as a result of this proposal; however, it could have administrative impact.

DESCRIPTION

This proposal would prohibit information furnished to the Public Service Commission by a municipal utility from being made public unless the material was specifically required by law to be open to the public, was ordered open by the Commission, or was made public by the Commission during a hearing or proceeding.

It would also allow a municipal utilities to file a motion for a protective order with the Commission within three business days after receiving a request for information that the utility considers proprietary, highly confidential, or critical to security. The utility would serve a copy of the motion on the party making the information request, and that party could challenge to the motion within the following 10 days. The Commission would review the motion and any challenges and issue a written decision on the motion within 30 days after filing.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This legislation would affect Total State Revenue.

SOURCES OF INFORMATION

Department of Economic Development - Public Service Commission
State Courts Administrator



Mickey Wilson, CPA

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Acting Director
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