

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1737
100TH GENERAL ASSEMBLY

4353H.02C

DANA RADEMAN MILLER, ChiefClerk

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to cost recovery for electrical corporations for investments to improve electricity resilience at critical facilities.

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

Section A. Chapter 393, RSMo, is amended by adding thereto one new section, to be
2 known as section 393.1615, to read as follows:

393.1615. 1. For purposes of this section, the following terms mean:

2 **(1) "Commission", the public service commission;**

3 **(2) "Critical facilities", military installations; hospitals; facilities that support**
4 **police, fire and rescue, and emergency management functions, activities, or services; major**
5 **transportation facilities; telecommunications facilities; wastewater treatment facilities; and**
6 **facilities designated by federal or state authorities as disaster staging areas or shelters;**

7 **(3) "Electrical corporation", the same as defined in section 386.020, but shall not**
8 **include an electrical corporation as described in subsection 2 of section 393.110.**

9 **2. Electrical corporations may file requests for cost recovery with the commission**
10 **for investments to improve electricity resilience at critical facilities. The commission shall**
11 **consider the following factors when determining cost recovery for such investments:**

12 **(1) The ability of the investment to enable the prompt restoration of electricity**
13 **supply to the critical facility, or essential functions located at that facility, in the event of**
14 **an interruption of electricity supplied by the grid;**

15 **(2) The duration for which the investment would enable a critical facility, or**
16 **essential functions located at that facility, to operate in the absence of electricity supplied**
17 **by the grid;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(3) The extent to which an investment includes distributed energy resources that**
19 **are not dependent on the delivery of fuel to the critical facility;**

20 **(4) The amount that an investment reduces critical facility demand for capacity and**
21 **energy; and**

22 **(5) The extent to which the investment includes control systems that enable electric**
23 **power to be directed to specific functions at the critical facility that are essential to national**
24 **security, public health, or public safety.**

25 **3. Investments approved under this section shall be supported through cost-**
26 **recovery mechanisms otherwise approved by the commission. The commission shall**
27 **consider federal funds available to support resilience projects for critical facilities in**
28 **making its determination.**

29 **4. The commission shall conduct an annual review of investments to determine**
30 **their performance in improving critical facility energy resilience.**

31 **5. The commission may promulgate rules to implement the provisions of this**
32 **section. Any rule or portion of a rule, as that term is defined in section 536.010 that is**
33 **created under the authority delegated in this section shall become effective only if it**
34 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**
35 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
36 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**
37 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
38 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,**
39 **shall be invalid and void.**

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