

SENATE BILL NO. 969

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

4508S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 393.135, RSMo, and to enact in lieu thereof two new sections relating to construction costs of certain new electric generation facilities.

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

Section A. Section 393.135, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.135 and 393.1250, to read as follows:

393.135. **Except as provided in section 393.1250**, any charge made or demanded by an electrical corporation for service, or in connection therewith, which is based on the costs of construction **work** in progress, **as that term is defined in section 393.1250**, upon any existing or new [facility of the] electrical corporation **facility**, or any other cost associated with owning, operating, maintaining, or financing any **such** property before it is fully operational and used for service, [is unjust and unreasonable, and] is prohibited.

393.1250. 1. **This section shall be known and may be cited as the "Missouri Nuclear Clean Power Act", the purpose of which is to enable the construction of clean baseload electric generating plants or facilities that utilize renewable sources to produce energy. This section shall not apply to clean baseload electric generating plants or renewable source generating facilities that are in commercial operation before August 28, 2022.**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 2. As used in this section, the following terms mean:

10 (1) "Clean baseload generating plant", a new nuclear-
11 fueled electric generating facility located in this state
12 that is designed to be operated at a capacity factor
13 exceeding seventy percent annually and is intended in whole
14 or in part to serve retail customers of an electrical
15 corporation in Missouri;

16 (2) "Construction work in progress", the electrical
17 corporation's share of all capital costs associated with a
18 clean baseload generating plant or renewable source
19 generating facility, which have been incurred but have not
20 been included in the electrical corporation's plant in
21 service, and are recorded in the Federal Energy Regulatory
22 Commission's Uniform System of Accounts Prescribed for
23 Public Utilities and Licensees Subject to the Provisions of
24 the Federal Power Act, Balance Sheet Chart Accounts, as
25 construction work in progress for electric plants in 18 CFR
26 Part 101, or any other account established in the Uniform
27 System of Accounts for the recording of construction work in
28 progress;

29 (3) "Renewable source generating facility", any
30 electric generating facility powered by wind, hydropower,
31 solar power, landfill methane, biomass, or any other
32 renewable source of power that does not produce significant
33 carbon emissions.

34 3. The provisions of section 393.135 shall not apply
35 to a clean baseload generating plant or a renewable source
36 generating facility if the plant or facility is rated at two
37 hundred megawatts or more. Costs recovered by an electrical
38 corporation under the provisions of this section are subject
39 to inclusion or exclusion from rates in a ratemaking
40 proceeding pursuant to the commission's authority to

41 determine just and reasonable rates. In addition, the
42 commission may authorize an electrical corporation to make
43 or demand charges for service based in whole or in part on
44 additional amortizations to maintain the electrical
45 corporation's financial ratios that will, in the
46 commission's judgment, better enable the electrical
47 corporation to cost-effectively construct a clean baseload
48 generating plant or a renewable source generating facility.

49 4. The commission may promulgate rules to assist in
50 the implementation of this section. Any rule or portion of
51 a rule, as that term is defined in section 536.010, that is
52 created under the authority delegated in this section shall
53 become effective only if it complies with and is subject to
54 all of the provisions of chapter 536 and, if applicable,
55 section 536.028. This section and chapter 536 are
56 nonseverable, and if any of the powers vested with the
57 general assembly pursuant to chapter 536 to review, to delay
58 the effective date, or to disapprove and annul a rule are
59 subsequently held unconstitutional, then the grant of
60 rulemaking authority and any rule proposed or adopted after
61 August 28, 2022, shall be invalid and void.

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