

SECOND REGULAR SESSION

SENATE BILL NO. 832

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CUNNINGHAM.

Read 1st time January 8, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4819S.01I

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Section A. Section 393.135, RSMo, is repealed and two new sections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

393.135. **Except as provided in section 393.1250**, any charge made
2 or demanded by an electrical corporation for service, or in connection therewith,
3 which is based on the costs of construction **work in progress, as that term is**
4 **defined in section 393.1250**, upon any existing or new [facility of the]
5 electrical corporation **facility**, or any other cost associated with owning,
6 operating, maintaining, or financing any **such** property before it is fully
7 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
2 **"Missouri Nuclear Clean Power Act", the purpose of which is to enable**
3 **the construction of clean baseload electric generating plants within**
4 **this state or facilities that utilize renewable sources to produce**
5 **energy. This section shall not apply to clean baseload electric**
6 **generating plants or renewable source generating facilities that are in**
7 **commercial operation before August 28, 2020.**

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

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

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

13 corporation in Missouri;

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

25 (3) "Renewable source generating facility", any electric
26 generating facility powered by wind, hydropower, solar power, landfill
27 methane, biomass, or any other renewable source of power that does
28 not produce significant carbon emissions.

29 3. The provisions of section 393.135 shall not apply to a clean
30 baseload generating plant or a renewable source generating facility. In
31 addition, the commission may authorize an electrical corporation to
32 make or demand charges for service based in whole or in part on
33 additional amortizations to maintain the electrical corporation's
34 financial ratios that will, in the commission's judgment, better enable
35 the electrical corporation to cost-effectively construct a clean baseload
36 generating plant or a renewable source generating facility.

37 4. The commission may promulgate rules to assist in the
38 implementation of this section. Any rule or portion of a rule, as that
39 term is defined in section 536.010, that is created under the authority
40 delegated in this section shall become effective only if it complies with
41 and is subject to all of the provisions of chapter 536 and, if applicable,
42 section 536.028. This section and chapter 536 are nonseverable, and if
43 any of the powers vested with the general assembly pursuant to chapter
44 536 to review, to delay the effective date, or to disapprove and annul a
45 rule are subsequently held unconstitutional, then the grant of
46 rulemaking authority and any rule proposed or adopted after August
47 28, 2020, shall be invalid and void.

✓