

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 756, Page 3, Section 386.266, Line 60,

2 by inserting after "2029." the following: "An electrical
 3 corporation may make a one-time application to the
 4 commission under this subsection if such corporation has
 5 provided notice to the commission under subsection 5 of
 6 section 393.1400, provided the corporation shall not
 7 concurrently utilize electric rate adjustments under this
 8 subsection and the deferrals set forth in subsection 5 of
 9 section 393.1400."; and

10 Further amend said bill, page 13, section 393.1400,
 11 line 95, by inserting after "purposes." the following: "For
 12 each project in the specific capital investment plan on
 13 which construction commences on or after January first of
 14 the year in which the plan is submitted, and where the cost
 15 of the project is estimated to exceed twenty million
 16 dollars, the electrical corporation shall identify all costs
 17 and benefits that can be quantitatively evaluated and shall
 18 further identify how those costs and benefits are
 19 quantified. For any cost or benefit with respect to such a
 20 project that the electrical corporation believes cannot be
 21 quantitatively evaluated, the electrical corporation shall
 22 state the reasons the cost or benefit cannot be
 23 quantitatively evaluated, and how the electrical corporation
 24 addresses such costs and benefits when reviewing and
 25 deciding to pursue such a project. No such project shall be
 26 based solely on costs and benefits that the electrical

27 corporation believes cannot be quantitatively evaluated.
28 Any quantification for such a project that does not produce
29 quantified benefits exceeding the costs shall be accompanied
30 by additional justification in support of the project."; and

31 Further amend said bill and section, page 14, line 152,
32 by inserting after "year" the following: ", the
33 quantitatively evaluated benefits and costs generated by
34 each of those investments that exceeded twenty million
35 dollars, and any efficiencies achieved as a result of those
36 investments"; and

37 Further amend said bill and section, page 15, line 160,
38 by inserting before "An" the following: "An electrical
39 corporation may provide notice to the commission one time
40 under this subsection if such corporation has applied to the
41 commission under subsection 2 of section 386.266, provided
42 the corporation shall not concurrently utilize deferrals
43 under this subsection and the electric rate adjustments set
44 forth in subsection 3 of section 386.266."; and further
45 amend lines 162-191, by striking all of said lines and
46 inserting in lieu thereof the following: "[of this section
47 until December 31, 2023, unless the electrical corporation
48 requests and the commission approves the continuation of
49 such deferrals beyond that date and approves continuation of
50 the discounts authorized by section 393.1640 beyond that
51 date as hereinafter provided. An electrical corporation
52 that wishes to continue to make the deferrals provided for
53 by subsection 2 of this section from January 1, 2024,
54 through December 31, 2028, shall obtain the commission's
55 approval to do so, shall be subject to the compound annual
56 growth rate limitations set forth under section 393.1655,
57 and shall also obtain the commission's approval to continue
58 to provide the discounts authorized by section 393.1640 in a
59 commission order issued on or before December 31, 2023. The

60 commission shall have the authority to grant or deny such
61 approval based upon the commission's evaluation of the costs
62 and benefits of such continuation to electrical corporations
63 and consumers, but shall not be authorized to condition such
64 approval or otherwise modify the deferrals authorized by
65 subsection 2 of this section, or the discounts authorized by
66 section 393.1640. In deciding whether to extend the program
67 for an additional five years, the commission shall develop
68 an objective analytical framework to determine whether there
69 is a continuing need. The commission shall make a finding
70 about whether there is a continuing need after hearing.
71 Failure to obtain such commission approval shall not affect
72 deferrals made through December 31, 2023, or the regulatory
73 and ratemaking treatment of the regulatory assets arising
74 from such deferrals as provided for by this section] of this
75 section until December 31, 2028. Notwithstanding the
76 immediately preceding sentence, an electrical corporation
77 may seek permission to continue to make the deferrals
78 provided for by subsection 2 of this section for an
79 additional five years beyond December 31, 2028, by filing an
80 application with the commission seeking such permission by
81 December 31, 2026, which application shall be ruled upon by
82 the commission within one hundred eighty days after its
83 filing. In deciding whether to grant such permission to
84 continue the commission shall have the authority, consistent
85 with its statutory authority outside this section, to
86 consider such factors as in its judgment it deems necessary
87 and may condition the permission on factors that are
88 relevant to the deferrals authorized by subsection 2 of this
89 section. The commission shall make the determination of
90 whether to grant such permission to continue after a
91 hearing. An electrical corporation making deferrals
92 provided for by subsection 2 of this section on and after

93 January 1, 2024, shall be subject to the revenue requirement
94 impact cap set forth under section 393.1656. Failure to
95 obtain such commission permission to continue shall not
96 affect deferrals made through the date for which permission
97 has been granted, or the regulatory and ratemaking treatment
98 of the regulatory assets arising from such deferrals as
99 provided for by this section."; and

100 Further amend said bill and section, page 16, line 192,
101 by inserting after "6." the following: "The commission may
102 take into account any change in business risk to the
103 corporation resulting from implementation of the deferrals
104 in setting the corporation's allowed return in any rate
105 proceeding, in addition to any other changes in business
106 risk experienced by the corporation.

107 7."; and further amend line 193, by striking "2038" and
108 inserting in lieu thereof the following: "2033"; and

109 Further amend said bill, page 17, section 393.1640,
110 line 49, by inserting after all of said line the following:
111 "For the purposes of this section, the variable cost to
112 serve new load for purposes of establishing a discount under
113 this section shall be determined using (a) the energy and
114 capacity market prices that underlie the net base energy
115 costs reflected in the revenue requirement from the
116 electrical corporation's most recent general rate
117 proceeding; (b) any operations and maintenance expenses that
118 vary with respect to the total number of customers or load
119 served by the electrical corporation, excluding operations
120 and maintenance expenses associated with generating
121 electricity; and (c) any other incremental costs to serve
122 the customer."; and

123 Further amend said bill and section, page 20, line 142,
124 by striking "or fifty-five"; and

125 Further amend said bill and section, page 21, lines 174-
126 180, by striking all of said lines and inserting in lieu
127 thereof the following:

128 "4. [This section shall expire on December 31, 2028,
129 provided, that unless the electrical corporation has timely
130 obtained the order provided for by subsection 5 of section
131 393.1400, the electrical corporation's customers shall,
132 after December 31, 2023, no longer receive the discounts
133 provided under this section] An electrical corporation's
134 authority to offer the discounts provided for by this
135 section shall terminate on the date that such electrical
136 corporation's authority to make the deferrals required by
137 subsection 2 of section 393.1400 expires."; and

138 Further amend said bill, section 393.1656, pages 26-27,
139 lines 1-12, by striking all of said lines and inserting in
140 lieu thereof the following:

141 "393.1656. 1. This section applies beginning January
142 1, 2024, to an electrical corporation that has elected to
143 exercise any option under section 393.1400 and shall
144 continue to apply to such electrical corporation until such
145 electrical corporation's permission to make the deferrals
146 authorized by subsection 2 of section 393.1400 expires.".