

## SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 757

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to the closure of electric power plants.

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*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 known as section 393.401, to read as follows:

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

(1) "Electrical corporation", the same as defined in section 386.020, but shall not include an electrical corporation as described in subsection 2 of section 393.110;

(2) "Existing electric generating power plant", a thermal power plant of over one hundred megawatts in nameplate capacity, a generating unit at a thermal power plant with a nameplate capacity of over one hundred megawatts, or two or more generating units at a thermal power plant with a combined nameplate capacity of over one hundred megawatts;

(3) "Regional transmission operator", a regional transmission organization, independent system operator, or equivalent entity approved by the Federal Energy Regulatory Commission or successor agency that exercises functional control over electric transmission facilities located within this state.

2. Prior to the closure of an existing electric generating power plant in Missouri if the closure occurs on or after January 1, 2025, and subject to subsection 3 of

this section, an electrical corporation registered and doing business in this state shall first certify to the public service commission that such utility company has secured and placed on the electric grid an equal or greater amount of reliable electric generation as accredited power resources as defined by the regional transmission operator. To determine if an equal or greater amount of reliable electric generation is being placed on the electric grid to replace the existing electric generating power plant that is to be closed, the electrical corporation shall compare the relevant regional transmission operator's average of the summer and winter accredited capacity for the generation technology of the to-be-closed existing electric generating power plant to the relevant regional transmission operator's average of the summer and winter accredited capacity for the generation technology of the replacement reliable electric generation. Such average accredited capacity for the replacement reliable electric generation shall equal or exceed such average accredited capacity for the existing electric generating plant that is to be closed.

3. With respect to the replacement reliable electric generation required by subsection 2 of this section, adequate electric transmission lines shall be in place and the replacement reliable electric generation shall be fully operational concurrently with the closure of the existing electric generating plant, except where some or all of the replacement reliable electric generation utilizes some or all the interconnection facilities used by the existing electric generating power plant, or where the existing electric generating power plant is closed as a result of an unexpected or unplanned cause or event. In the event that some or all of the replacement reliable electric generation utilizes some or all of the interconnection facilities

utilized by the existing electric generating power plant, then such replacement facilities shall be fully operational within one hundred twenty days of the closure of the existing electric generating power plant. In the event that the existing electric generating power plant is closed as a result of an unexpected or unplanned cause or event, then the electrical corporation shall install replacement reliable electric generation as soon as is practical following the closure of the existing electric generating power plant. For purposes of this section "unexpected" or "unplanned" cause or event shall mean a manmade or natural event that causes functional operations of the electric generating power plant to cease. During any periods allowed by this subsection where the replacement reliable electric generation is not fully operational by the time of the closure of the existing electric generating power plant, the electrical corporation shall acquire additional available generating capacity through a firm purchase power contract that is equal or greater than the reliable electric generation as defined in subsection 2 of this section from the relevant regional transmission operator's capacity market or otherwise, so that it meets the planning reserve margin requirement of the regional transmission operator in which the electrical corporation operates without reliance on such replacement reliable electric generation. At such time as such replacement reliable electric generation is fully operational, such additional available generating capacity shall no longer be required.

4. The average of the summer and winter accredited capacity of the replacement reliable electric generation as provided in subsection 2 of this section shall be equal to or greater than the average accredited capacity of the existing electric generating power plant as provided in

subsection 2 of this section, recorded by the regional transmission operator as of the time construction begins on the replacement reliable electric generation. As part of the approval process by the public service commission of the replacement reliable electric generation under subsection 1 of section 393.170, the public service commission shall promulgate rules that the requirements of this subsection shall be met by the replacement reliable electric generation. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2024, shall be invalid and void.

5. Such reliable electric generation may be constructed outside the state if it is connected to the electric grid of the regional transmission operator of which the electrical corporation is a member.

6. On or before the date that the new reliable electric generation is placed in service the electrical corporation shall provide certification to the public service commission, the general assembly, and the governor that it has met the requirements of this section.