

FIRST REGULAR SESSION

SENATE BILL NO. 140

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

1032S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to electric reliability.

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

Section A. Chapter 393, RSMo, is amended by adding thereto
2 one new section, to be known as section 393.1800, to read as
3 follows:

**393.1800. 1. As used in this section, the following
2 terms shall mean:**

**(1) "Appropriate regional transmission organization or
3 independent system operator", the Midcontinent Independent
4 System Operator or the Southwest Power Pool, or any
5 successor organization;**

**(2) "Sufficient capacity", owned or contracted for
7 capacity that meets the planning reserve margin or successor
8 metric established by the appropriate regional transmission
9 organization or independent system operator or, in the case
10 of an electrical corporation that is not a participant in a
11 regional transmission organization or independent system
12 operator that meets the planning reserve margin or successor
13 metric established by the commission.**

**2. The commission may require electrical corporations
15 to provide documentation, annually in a format determined by
16 the commission, reflecting an electrical corporation's plan
17 to own or have rights to sufficient capacity to meet the
18 electrical corporation's capacity obligations for the
19**

20 upcoming planning year and each of the three subsequent
21 planning years. An electrical corporation shall submit such
22 documentation, which shall document the electrical
23 corporation's capacity position for the upcoming year and
24 three succeeding planning years, consistent with resource
25 adequacy requirements of the appropriate regional
26 transmission organization or independent system operator, or
27 the commission, including by season or other applicable time
28 period, within thirty days after the appropriate regional
29 transmission organization or independent system operator, or
30 the commission, if applicable, makes a final determination
31 as to the electrical corporation's resource adequacy
32 requirements for the upcoming planning year.

33 3. The commission may require any additional audits
34 and reporting as the commission considers necessary to
35 determine whether an electrical corporation's plan provides
36 for the electrical corporation's ownership or contractual
37 rights to sufficient capacity for the planning year
38 beginning four years after the beginning of the current
39 planning year.

40 4. If an electrical corporation fails to have
41 sufficient capacity for the upcoming planning year, and it
42 is determined by the commission to be the result of the
43 electrical corporation's imprudence, the commission may
44 disallow, after conducting a hearing, any associated costs
45 related to the failure in a future proceeding. The
46 commission may require submission of a plan by the
47 electrical corporation within six months to resolve any
48 expected capacity deficiency for the subsequent three
49 planning years.

50 5. The commission may promulgate rules necessary to
51 implement the provisions of this section. Any rule or

52 portion of a rule, as that term is defined in section
53 536.010, that is created under the authority delegated in
54 this section shall become effective only if it complies with
55 and is subject to all of the provisions of chapter 536 and,
56 if applicable, section 536.028. This section and chapter
57 536 are nonseverable and if any of the powers vested with
58 the general assembly pursuant to chapter 536 to review, to
59 delay the effective date, or to disapprove and annul a rule
60 are subsequently held unconstitutional, then the grant of
61 rulemaking authority and any rule proposed or adopted after
62 August 28, 2025, shall be invalid and void.

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