

FIRST REGULAR SESSION

HOUSE BILL NO. 124

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RIDDLE (Sponsor), POLLOCK, GOSEN, DAY, LANT, RICHARDSON, DAVIS, WHITE, LICHTENEGGER, COOKSON, BARNES, KORMAN, SCHAD, SCHATZ, SCHARNHORST, KOENIG, HIGDON, HOUGHTON, GATSCHENBERGER, LONG, DUGGER, ENTLICHER, PARKINSON, FRANZ, CRAWFORD, DENISON, REDMON, BERNSKOETTER, WEBBER AND HOLSMAN (Co-sponsors).

0510L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 393.135, RSMo, and to enact in lieu thereof one new section relating to site development for energy 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Section A. Section 393.135, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 393.135, to read as follows:

393.135. **1.** Any charge made or demanded by an electrical corporation for service, or in connection therewith, which is based on the costs of construction in progress upon any existing or new facility of the electrical corporation, or any other cost associated with owning, operating, maintaining, or financing any property before it is fully operational and used for service, is unjust and unreasonable, and is prohibited.

2. Starting on October 1, 2011, an electrical corporation seeking an early site permit from the U.S. Nuclear Regulatory Commission or a successor organization shall submit monitoring reports to the public service commission every six months documenting work completed, total expenditures to date, work yet to be completed, and anticipated expenditures yet to be incurred in order to obtain the early site permit. If total expenditures to obtain the early site permit are forecasted to exceed forty million dollars, the electrical corporation shall include in these monitoring reports an explanation of why it is prudent for the electrical corporation to incur expenditures in excess of that amount in order to obtain an early site permit.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **3. Notwithstanding the provisions of subsection 1 of this section, recovery of the**
16 **prudently incurred expenditures identified in subsection 2 of this section shall be provided**
17 **through the rates or charges of the electrical corporation seeking the early site permit or**
18 **through the rates or charges of an electrical corporation that contributed to the**
19 **expenditures for the early site permit, over a period not to exceed twenty years. These**
20 **rates or charges shall include a return on the remaining balance of such expenditures at**
21 **an annual rate equal to the applicable electrical corporation's commission-approved return**
22 **on rate base until such expenditures are recovered, and shall commence with the effective**
23 **date of tariffs approved by the commission in the applicable electrical corporation's first**
24 **general rate proceeding following the date on which the early site permit referenced in**
25 **subsection 2 of this section is obtained.**

26 **4. If the electrical corporation that sought the early site permit, or an electrical**
27 **corporation that contributed toward the expenditures for the early site permit, has**
28 **recovered from ratepayers expenditures for the early site permit under subsection 3 of this**
29 **section, and then subsequently sells or transfers some or all of its interest in the early site**
30 **permit, or subsequently receives reimbursement for the expenditures it has contributed,**
31 **the electrical corporation shall refund to ratepayers that part of the money received from**
32 **the sale, transfer, or reimbursement up to the amount of such expenditures that it has**
33 **recovered from ratepayers.**