

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to House Committee Substitute for House Bill No. 1734,
Page 1, Line 1, by inserting after the word "Page 1," the following:

"Section A, Line 3, by inserting after all of said section and line the following:

"393.135. Except as provided in section 393.1250, any charge made or demanded by an electrical corporation for service, or in connection therewith, which is based on the costs of construction work in progress, as that term is defined in section 393.1250, upon any existing or new ~~[facility of the]~~ electrical corporation facility, or any other cost associated with owning, operating, maintaining, or financing any such property before it is fully 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 "Missouri Nuclear Clean Power Act", the purpose of which is to enable the construction of clean baseload electric generating plants or facilities that utilize renewable sources to produce energy. This section shall not apply to clean baseload electric generating plants or renewable source generating facilities that are in commercial operation before August 28, 2022.

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

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

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

Action Taken _____ Date _____

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

4 3. The provisions of section 393.135 shall not apply to a clean baseload generating plant or
5 a renewable source generating facility if the plant or facility is rated at two hundred megawatts or
6 more. Costs recovered by an electrical corporation under the provisions of this section are subject to
7 inclusion or exclusion from rates in a ratemaking proceeding pursuant to the commission's authority
8 to determine just and reasonable rates. In addition, the commission may authorize an electrical
9 corporation to make or demand charges for service based in whole or in part on additional
10 amortizations to maintain the electrical corporation's financial ratios that will, in the commission's
11 judgment, better enable the electrical corporation to cost-effectively construct a clean baseload
12 generating plant or a renewable source generating facility.

13 4. The commission may promulgate rules to assist in the implementation of this section.
14 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
15 authority delegated in this section shall become effective only if it complies with and is subject to all
16 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
17 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536
18 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
19 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
20 August 28, 2022, shall be invalid and void."; and

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22 Further amend said bill and page,"; and

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24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.

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27 THIS AMENDS 4238H03.01H