

SECOND REGULAR SESSION

SENATE BILL NO. 888

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

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TERRY L. SPIELER, Secretary.

3495S.02I

AN ACT

To amend chapters 393 and 640, RSMo, by adding thereto two new sections relating to electric utility generation facilities.

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

Section A. Chapters 393 and 640, RSMo, are amended by adding thereto two new sections, to be known as sections 393.157 and 640.401, to read as follows:

393.157. 1. Notwithstanding any provision of law to the contrary, if a rate-regulated public utility files an application to construct in this state a base-load electric power generating facility with a nameplate generating capacity equal to or greater than three hundred megawatts or a combined cycle electric power generating facility, or if a rate-regulated public utility leases or owns in this state, in whole or in part, a new base load electric power generating facility with a nameplate generating capacity equal to or greater than three hundred megawatts or a combined-cycle electric power generating facility, the public service commission shall specify in advance, by order issued after a contested case proceeding, the ratemaking principles that will apply when the costs of the facility are included in regulated electric rates.

2. In determining the applicable ratemaking principles, the commission shall not be limited to traditional ratemaking principles or traditional cost recovery mechanisms. The applicable ratemaking principles shall be determined in the contested case proceeding, which proceeding may be combined with the proceedings for issuance of a

certificate. The order setting forth the applicable ratemaking principles shall be issued prior to the commencement of construction or lease of the facility. Following issuance of the order, the rate-regulated public utility shall have the option of proceeding with construction or lease of the facility in this state, or withdrawing its application for a certificate.

3. Notwithstanding any provision of this chapter to the contrary, the ratemaking principles established by the order issued pursuant to subsection 2 of this section shall be binding with regard to the specific electric power generating facility in any subsequent rate proceeding.

640.401. Notwithstanding any provision of law to the contrary, the department of natural resources shall approve or deny any permit application, including permit applications filed by electric utility generation facilities, within one hundred eighty days of receipt.

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