

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 745, Page 53, Section 393.1700, Line 1133,

2 by inserting after all of said line the following:

3 "393.1715. 1. An electrical corporation may petition
4 the commission for a determination of the ratemaking
5 principles and treatment, as proposed by the electrical
6 corporation, that will apply to the reflection in base rates
7 of the electrical corporation's capital and noncapital costs
8 associated with the proposed retirement of one or more of
9 the electrical corporation's generating facilities. Without
10 limiting the foregoing, such principles and treatment may
11 also establish the retirement date and useful life
12 parameters used to set depreciation rates for such
13 facilities. Except as provided for in subsection 4 of this
14 section, the ratemaking principles and treatment approved by
15 the commission under this section for such facilities shall
16 apply to the determination of the revenue requirement in
17 each of the electrical corporation's post-determination
18 general rate proceedings until such time as such facility is
19 fully depreciated on the electrical corporation's books.

20 2. If the commission fails to issue a determination
21 within two hundred fifteen days that a petition for
22 determination of ratemaking principles and treatment is
23 filed, the ratemaking principles and treatment proposed by
24 the petitioning electrical corporation shall be deemed to
25 have been approved by the commission.

26 3. Subject to the provisions of subsection 4 of this
27 section, ratemaking principles and treatment approved by the
28 commission, or deemed to have been approved under subsection
29 2 of this section, shall be binding for ratemaking purposes.

30 4. (1) An electrical corporation with ratemaking
31 principles and treatment approved by the commission, or
32 deemed to have been approved under subsection 2 of this
33 section, shall monitor the major factors and circumstances
34 relating to the facility to which such principles and
35 treatment apply. Such factors and circumstances include,
36 but are not limited to:

- 37 (a) Terrorist activity or an act of God;
38 (b) A significant change in federal or state tax laws;
39 (c) A significant change in federal utility laws or
40 regulations or a significant change in generally accepted
41 accounting principles;
42 (d) An unexpected, extended outage or shutdown of a
43 major generating unit, other than any major generating unit
44 shut down due to an extended outage at the time of the
45 approval of the ratemaking principles and treatment;
46 (e) A significant change in the cost or reliability of
47 power generation technologies;
48 (f) A significant change in fuel prices and wholesale
49 electric market conditions;
50 (g) A significant change in the cost or effectiveness
51 of emission control technologies;
52 (h) A significant change in the price of emission
53 allowances;
54 (i) A significant change in the electrical
55 corporation's load forecast;
56 (j) A significant change in capital market conditions;
57 (k) A significant change in the scope or effective
58 dates of environmental regulations; or

59 (1) A significant change in federal or state
60 environmental laws.

61 (2) If the electrical corporation determines that one
62 or more major factor or circumstance has changed in a manner
63 that warrants a change in the approved ratemaking principles
64 and treatment, then it shall file a notice in the docket in
65 which the approved ratemaking principles and treatment were
66 established within forty-five days of any such
67 determination. In its notification, the electrical
68 corporation shall:

69 (a) Explain and specify the changes it contends are
70 appropriate to the ratemaking principles and treatment and
71 the reasons for the proposed changes;

72 (b) Provide a description of the alternatives that it
73 evaluated and the process that it went through in developing
74 its proposed changes; and

75 (c) Provide detailed workpapers that support the
76 evaluation and the process whereby proposed changes were
77 developed.

78 (3) If a party has concerns regarding the proposed
79 changes, that party shall file a notice of its concerns
80 within thirty days of the electrical corporation's filing.
81 If the parties agree on a resolution of the concerns, the
82 agreement shall be submitted to the commission for
83 approval. If the parties do not reach agreement on changes
84 to the ratemaking principles and treatment within ninety
85 days of the date the electrical corporation filed its
86 notice, whether the previously approved ratemaking and
87 treatment will be changed shall be determined by the
88 commission. If a party to the docket in which the approved
89 ratemaking principles and treatment were approved believes
90 that one or more major factor or circumstance has changed in
91 a manner that warrants a change in the approved ratemaking

92 principles and treatment and if the electrical corporation
93 does not agree the principles and treatment should be
94 changed, such party shall file a notice in the docket in
95 which the approved ratemaking principles and treatment were
96 established within forty-five days of any such
97 determination. In its notification, such party shall:

98 (a) Explain and specify the changes it contends are
99 appropriate to the ratemaking principles and treatment and
100 the reasons for the proposed changes;

101 (b) Provide a description of the alternatives that it
102 evaluated and the process that it went through in developing
103 its proposed changes; and

104 (c) Provide detailed workpapers that support the
105 evaluation and the process whereby proposed changes were
106 developed.

107 (4) If a party, including the electrical corporation,
108 has concerns regarding the proposed changes, that party
109 shall file a notice of its concerns within thirty days of
110 the other party's filing. If the parties do not reach
111 agreement on changes to the ratemaking principles and
112 treatment within ninety days of the date the notice was
113 filed, whether the previously approved ratemaking and
114 treatment will be changed shall be determined by the
115 commission.

116 5. A determination of ratemaking principles and
117 treatment under this section does not preclude an electrical
118 corporation from also petitioning the commission under
119 either or both of sections 393.1700 and 393.1705, provided
120 that any costs to which such ratemaking principles and
121 treatment would have applied in the electrical corporation's
122 general rate proceedings which become funded by securitized
123 utility tariff bond proceeds from a securitized utility
124 tariff bond issued under section 393.1700 shall not

125 thereafter be reflected in the electrical corporation's base
126 rates.

127 6. If determined by the commission to be just,
128 reasonable, and necessary for the provision of safe and
129 adequate service, the electrical corporation may be
130 permitted to retain coal-fired generating assets in rate
131 base and recover costs associated with operating the coal-
132 fired assets [that remain in service to provide greater
133 certainty that generating capacity will be available to
134 provide essential service to customers, including during
135 extreme weather events, and the commission shall not
136 disallow any portion of such cost recovery on the basis that
137 such coal-fired generating assets operate at a low capacity
138 factor, or are offline and providing capacity only, during
139 normal operating conditions] at low capacity factor or that
140 are offline and providing capacity only in order to remain
141 in service to customers for reliability during events such
142 as extreme weather.

143 7. The commission may promulgate rules necessary to
144 implement the provisions of sections 393.1700 to 393.1715.
145 Any rule or portion of a rule, as that term is defined in
146 section 536.010, that is created under the authority
147 delegated in this section shall become effective only if it
148 complies with and is subject to all of the provisions of
149 chapter 536 and, if applicable, section 536.028. This
150 section and chapter 536 are nonseverable and if any of the
151 powers vested with the general assembly pursuant to chapter
152 536 to review, to delay the effective date, or to disapprove
153 and annul a rule are subsequently held unconstitutional,
154 then the grant of rulemaking authority and any rule proposed
155 or adopted after August 28, 2021, shall be invalid and
156 void."; and

157 Further amend the title and enacting clause accordingly.