

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 757

102ND GENERAL ASSEMBLY

3980S.06C

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 393, RSMo, by adding thereto one new section relating to the closure of electric power plants.

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 393.401, to read as
3 follows:

**393.401. 1. For purposes of this section, the
2 following terms shall mean:**

3 (1) "Electrical corporation", the same as defined in
4 section 386.020, but shall not include an electrical
5 corporation as described in subsection 2 of section 393.110;

6 (2) "Existing electric generating power plant", a
7 thermal power plant of over one hundred megawatts in
8 nameplate capacity, a generating unit at a thermal power
9 plant with a nameplate capacity of over one hundred
10 megawatts, or two or more generating units at a thermal
11 power plant with a combined nameplate capacity of over one
12 hundred megawatts;

13 (3) "Regional transmission operator", a regional
14 transmission organization, independent system operator, or
15 equivalent entity approved by the Federal Energy Regulatory
16 Commission or successor agency that exercises functional

17 control over electric transmission facilities located within
18 this state.

19 2. Prior to the closure of an existing electric
20 generating power plant in Missouri, if the closure occurs on
21 or after January 1, 2025, and subject to subsection 3 of
22 this section, an electrical corporation registered and doing
23 business in this state shall first certify to the public
24 service commission that such utility company has secured and
25 placed on the electric grid an equal or greater amount of
26 reliable electric generation as accredited power resources
27 as defined by the regional transmission operator. To
28 determine if an equal or greater amount of reliable electric
29 generation is being placed on the electric grid to replace
30 the existing electric generating power plant that is to be
31 closed, the electrical corporation shall compare the
32 relevant regional transmission operator's average of the
33 summer and winter accredited capacity for the generation
34 technology of the to-be-closed existing electric generating
35 power plant to the relevant regional transmission operator's
36 average of the summer and winter accredited capacity for the
37 generation technology of the replacement reliable electric
38 generation. Such average accredited capacity for the
39 replacement reliable electric generation shall equal or
40 exceed such average accredited capacity for the existing
41 electric generating plant that is to be closed.

42 3. With respect to the replacement reliable electric
43 generation required by subsection 2 of this section,
44 adequate electric transmission lines shall be in place and
45 the replacement reliable electric generation shall be fully
46 operational concurrently with the closure of the existing
47 electric generating plant, except where some or all of the
48 replacement reliable electric generation utilizes some or

49 all of the interconnection facilities used by the existing
50 electric generating power plant, or where the existing
51 electric generating power plant is closed as a result of an
52 unexpected or unplanned cause or event. In the event that
53 some or all of the replacement reliable electric generation
54 utilizes some or all of the interconnection facilities
55 utilized by the existing electric generating power plant,
56 then such replacement facilities shall be fully operational
57 within one hundred twenty days of the closure of the
58 existing electric generating power plant. In the event that
59 the existing electric generating power plant is closed as a
60 result of an unexpected or unplanned cause or event, then
61 the electrical corporation shall install replacement
62 reliable electric generation as soon as is practical
63 following the closure of the existing electric generating
64 power plant. For purposes of this section, "unexpected" or
65 "unplanned" cause or event shall mean a manmade or natural
66 event that causes functional operations of the electric
67 generating power plant to cease. During any periods allowed
68 by this subsection where the replacement reliable electric
69 generation is not fully operational by the time of the
70 closure of the existing electric generating power plant, the
71 electrical corporation shall acquire additional available
72 generating capacity through a firm purchase power contract
73 that is equal or greater than the reliable electric
74 generation as defined in subsection 2 of this section from
75 the relevant regional transmission operator's capacity
76 market or otherwise, so that it meets the planning reserve
77 margin requirement of the regional transmission operator in
78 which the electrical corporation operates without reliance
79 on such replacement reliable electric generation. At such
80 time as such replacement reliable electric generation is

81 fully operational, such additional available generating
82 capacity shall no longer be required.

83 4. The average of the summer and winter accredited
84 capacity of the replacement reliable electric generation as
85 provided in subsection 2 of this section shall be equal to
86 or greater than the average accredited capacity of the
87 existing electric generating power plant as provided in
88 subsection 2 of this section, recorded by the regional
89 transmission operator as of the time construction begins on
90 the replacement reliable electric generation. As part of
91 the approval process by the public service commission of the
92 replacement reliable electric generation under subsection 1
93 of section 393.170, the public service commission shall
94 promulgate rules that the requirements of this subsection
95 shall be met by the replacement reliable electric
96 generation. Any rule or portion of a rule, as that term is
97 defined in section 536.010, that is created under the
98 authority delegated in this section shall become effective
99 only if it complies with and is subject to all of the
100 provisions of chapter 536 and, if applicable, section
101 536.028. This section and chapter 536 are nonseverable and
102 if any of the powers vested with the general assembly
103 pursuant to chapter 536 to review, to delay the effective
104 date, or to disapprove and annul a rule are subsequently
105 held unconstitutional, then the grant of rulemaking
106 authority and any rule proposed or adopted after August 28,
107 2024, shall be invalid and void.

108 5. Such reliable electric generation may be
109 constructed outside the state if it is connected to the
110 electric grid of the regional transmission operator of which
111 the electrical corporation is a member.

112 6. On or before the date that the new reliable
113 electric generation is placed in service, the electrical
114 corporation shall provide certification to the public
115 service commission, the general assembly, and the governor
116 that it has met the requirements of this section.

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