

# SENATE BILL NO. 928

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

3185S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 393.135, RSMo, and to enact in lieu thereof two new sections relating to renewable energy.

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

Section A. Section 393.135, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 393.135 and 393.1250, to read as follows:

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 upon any existing or new [facility of the] electrical corporation **facility**, 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.

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. This section shall not apply to clean baseload electric generating plants that are in commercial operation before August 28, 2024.**

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**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

10 that is designed to be operated at four hundred megawatts or  
11 less and is intended in whole or in part to serve retail  
12 customers of an electrical corporation in Missouri;

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

26 3. The provisions of section 393.135 shall not apply  
27 to a clean baseload generating plant if the plant is rated  
28 at four hundred megawatts or less. Before any such  
29 construction work begins, an electrical corporation seeking  
30 to include construction work in progress in rates shall file  
31 with the commission a plan detailing the projected costs of  
32 the project and the plan to recover those costs through  
33 rates. Costs recovered by an electrical corporation under  
34 the provisions of this section are subject to inclusion or  
35 exclusion from rates in a ratemaking proceeding pursuant to  
36 the commission's authority to determine just and reasonable  
37 rates. In addition, the commission may authorize an  
38 electrical corporation to make or demand charges for service  
39 based in whole or in part on additional amortizations to  
40 maintain the electrical corporation's financial ratios that  
41 will, in the commission's judgment, better enable the

42 electrical corporation to cost-effectively construct a clean  
43 baseload generating plant.

44 4. The commission may promulgate rules to assist in  
45 the implementation of this section. Any rule or portion of  
46 a rule, as that term is defined in section 536.010, that is  
47 created under the authority delegated in this section shall  
48 become effective only if it complies with and is subject to  
49 all of the provisions of chapter 536 and, if applicable,  
50 section 536.028. This section and chapter 536 are  
51 nonseverable and if any of the powers vested with the  
52 general assembly pursuant to chapter 536 to review, to delay  
53 the effective date, or to disapprove and annul a rule are  
54 subsequently held unconstitutional, then the grant of  
55 rulemaking authority and any rule proposed or adopted after  
56 August 28, 2024, shall be invalid and void.

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