

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 734, Page 1, Section A, Line 3, by
2 inserting after all of said section and line the following:

3
4 "393.106. 1. As used in this section, the following terms mean:

5 (1) "Auxiliary power", the energy used to operate equipment and other load that is directly
6 related to the production of energy by an independent power producer or electrical corporation,
7 obtained through generation at the site or through adjacent transformation and transmission
8 interconnect, but does not include energy used for space heating, lighting, air conditioning, office
9 needs of buildings, and other non-generating uses at the generation site;

10 (2) "Independent power producer" or "IPP", an entity that is also considered a non-utility
11 power producer in the United States. IPPs are wholesale electricity producers that operate within
12 the franchised service territories of host utilities and are usually authorized to sell at market-based
13 rates. Unlike traditional electric utilities, IPPs do not possess transmission facilities or sell
14 electricity in the retail market;

15 (3) "Permanent service", electrical service provided through facilities which have been
16 permanently installed on a structure and which are designed to provide electric service for the
17 structure's anticipated needs for the indefinite future, as contrasted with facilities installed
18 temporarily to provide electrical service during construction. Service provided temporarily shall be
19 at the risk of the electrical supplier and shall not be determinative of the rights of the provider or
20 recipient of permanent service;

21 ~~[(2)]~~ (4) "Structure" or "structures", an agricultural, residential, commercial, industrial or
22 other building or a mechanical installation, machinery or apparatus at which retail electric energy is
23 being delivered through a metering device which is located on or adjacent to the structure and
24 connected to the lines of an electrical supplier. Such terms shall include any contiguous or adjacent
25 additions to or expansions of a particular structure. Nothing in this section shall be construed to
26 confer any right on an electric supplier to serve new structures on a particular tract of land because it
27 was serving an existing structure on that tract.

28 2. Once an electrical corporation or joint municipal utility commission, or its predecessor in
29 interest, lawfully commences supplying retail electric energy to a structure through permanent
30 service facilities, it shall have the right to continue serving such structure, and other suppliers of
31 electrical energy shall not have the right to provide service to the structure except as might be
32 otherwise permitted in the context of municipal annexation, pursuant to section 386.800 and section
33 394.080, or pursuant to a territorial agreement approved under section 394.312. The public service
34 commission, upon application made by an affected party, may order a change of suppliers on the
35 basis that it is in the public interest for a reason other than a rate differential. The commission's
36 jurisdiction under this section is limited to public interest determinations and excludes questions as

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1 to the lawfulness of the provision of service, such questions being reserved to courts of competent
2 jurisdiction. Except as provided in this section, nothing contained herein shall affect the rights,
3 privileges or duties of existing corporations pursuant to this chapter. Nothing in this section shall be
4 construed to make lawful any provision of service which was unlawful prior to July 11, 1991.
5 Nothing in this section shall be construed to make unlawful the continued lawful provision of
6 service to any structure which may have had a different supplier in the past, if such a change in
7 supplier was lawful at the time it occurred. However, those customers who had cancelled service
8 with their previous supplier or had requested cancellation by May 1, 1991, shall be eligible to
9 change suppliers as per previous procedures. No customer shall be allowed to change electric
10 suppliers by disconnecting service between May 1, 1991, and July 11, 1991.

11 3. Notwithstanding the provisions of subsection 2 of this section or any other provision of
12 chapters 386 or 394 to the contrary, auxiliary power may be purchased on a wholesale basis, under
13 the applicable federal tariffs of a regional transmission organization instead of under retail service
14 tariffs filed with the public service commission by an electrical corporation, for use at an electric
15 generation facility located in any county of the first classification with more than ninety-two
16 thousand but fewer than one hundred one thousand inhabitants which commenced commercial
17 operations prior to August 28, 2021, and which is operated as an independent power producer."; and
18

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