

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 1044, Page 1, Section 386.050, Line 16, by inserting after all of said
2 section and line the following:

3
4 "386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning
5 with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred
6 by it during such fiscal year reasonably attributable to the regulation of public utilities as provided
7 in chapters 386, 392 and 393 and shall also separately estimate the amount of such expenses directly
8 attributable to such regulation of each of the following groups of public utilities: electrical
9 corporations, gas corporations, water corporations, heating companies and telephone corporations,
10 telegraph corporations, sewer corporations, and any other public utility as defined in section
11 386.020, as well as the amount of such expenses not directly attributable to any such group. For
12 purposes of this section, water corporations and sewer corporations will be combined and
13 considered one group of public utilities.

14 2. The commission shall allocate to each such group of public utilities the estimated
15 expenses directly attributable to the regulation of such group and an amount equal to such
16 proportion of the estimated expenses not directly attributable to any group as the gross intrastate
17 operating revenues of such group during the preceding calendar year bears to the total gross
18 intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as
19 aforesaid, during such calendar year. The commission shall then assess the amount so allocated to
20 each group of public utilities, subject to reduction as herein provided, to the public utilities in such
21 group in proportion to their respective gross intrastate operating revenues during the preceding
22 calendar year, except that the total amount so assessed to all such public utilities shall not exceed
23 three hundred fifteen thousandths of one percent of the total gross intrastate operating revenues of
24 all utilities subject to the jurisdiction of the commission. Beginning January 1, 2024, the total
25 amount assessed on the total gross intrastate operating revenues of all utilities subject to the
26 jurisdiction of the commission shall not exceed three hundred fifty thousandths of one percent and
27 shall increase every two years thereafter by one hundredth of one percent until such time as the
28 maximum amount available to be assessed is equal to one-half of one percent. All corporations
29 subject to the jurisdiction of the commission shall defer to an asset or liability account any
30 difference in the assessment actually incurred and those on which the revenue requirement used to

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1 set rates in the corporation's most recently completed general rate proceeding was based. The asset
2 or liability account balances shall be included in the revenue requirement used to set rates through
3 an amortization over a reasonable period of time in such corporation's subsequent general rate
4 proceedings. The commission shall also adjust the rate base used to establish the revenue
5 requirement of the utility to reflect the unamortized asset or liability account balances in such
6 general rate proceedings.

7 3. The commission shall render a statement of such assessment to each such public utility on
8 or before July first and the amount so assessed to each such public utility shall be paid by it to the
9 director of revenue in full on or before July fifteenth next following the rendition of such statement,
10 except that any such public utility may at its election pay such assessment in four equal installments
11 not later than the following dates next following the rendition of said statement, to wit: July
12 fifteenth, October fifteenth, January fifteenth and April fifteenth. The director of revenue shall
13 remit such payments to the state treasurer.

14 4. The state treasurer shall credit such payments to a special fund, which is hereby created,
15 to be known as "The Public Service Commission Fund", which fund, or its successor fund created
16 pursuant to section 33.571, shall be devoted solely to the payment of expenditures actually incurred
17 by the commission and attributable to the regulation of such public utilities subject to the
18 jurisdiction of the commission, as aforesaid. Any amount remaining in such special fund or its
19 successor fund at the end of any fiscal year shall not revert to the general revenue fund, but shall be
20 applicable by appropriation of the general assembly to the payment of such expenditures of the
21 commission in the succeeding fiscal year and shall be applied by the commission to the reduction of
22 the amount to be assessed to such public utilities in such succeeding fiscal year, such reduction to be
23 allocated to each group of public utilities in proportion to the respective gross intrastate operating
24 revenues of the respective groups during the preceding calendar year.

25 5. In order to enable the commission to make the allocations and assessments herein
26 provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall file
27 with the commission, within ten days after August 28, 1996, and thereafter on or before March
28 thirty-first of each year, a statement under oath showing its gross intrastate operating revenues for
29 the preceding calendar year, and if any public utility shall fail to file such statement within the time
30 aforesaid the commission shall estimate such revenue which estimate shall be binding on such
31 public utility for the purpose of this section.

32 393.135. Except as provided in section 393.1250, any charge made or demanded by an
33 electrical corporation for service, or in connection therewith, which is based on the costs of
34 construction work in progress upon any existing or new ~~[facility of the]~~ electrical corporation
35 facility, or any other cost associated with owning, operating, maintaining, or financing any property
36 before it is fully operational and used for service, ~~[is unjust and unreasonable, and]~~ is prohibited.

37 393.1250. 1. This section shall be known and may be cited as the "Missouri Nuclear Clean
38 Power Act", the purpose of which is to enable the construction of clean baseload electric generating

1 plants. This section shall not apply to clean baseload electric generating plants that are in
2 commercial operation before August 28, 2023.

3 2. As used in this section, the following terms mean:

4 (1) "Clean baseload generating plant", a new nuclear-fueled electric generating facility
5 located in this state that is designed to be operated at three hundred megawatts or less and is
6 intended in whole or in part to serve retail customers of an electrical corporation in Missouri;

7 (2) "Construction work in progress", the electrical corporation's share of all capital costs
8 associated with a clean baseload generating plant, which have been incurred but have not been
9 included in the electrical corporation's plant in service, and are recorded in the Federal Energy
10 Regulatory Commission's Uniform System of Accounts Prescribed for Public Utilities and
11 Licensees Subject to the Provisions of the Federal Power Act, Balance Sheet Chart Accounts, as
12 construction work in progress for electric plants in 18 CFR Part 101, or any other account
13 established in the Uniform System of Accounts for the recording of construction work in progress.

14 3. The provisions of section 393.135 shall not apply to a clean baseload generating plant if
15 the plant is rated at three hundred megawatts or less. Before any such construction work begins, an
16 electrical corporation seeking to include construction work in progress in rates shall file with the
17 commission a plan detailing the projected costs of the project and the plan to recover those costs
18 through rates. Costs recovered by an electrical corporation under the provisions of this section are
19 subject to inclusion or exclusion from rates in a ratemaking proceeding pursuant to the commission's
20 authority to determine just and reasonable rates. If the commission determines a project was not
21 completed within a reasonable amount of time, the commission shall reduce rates in an amount
22 equal to all amounts recovered in advance by the electrical corporation from ratepayers under the
23 provisions of this section plus interest at the same rate as the rate of interest for delinquent taxes
24 determined by the director of revenue in accordance with section 32.065, in the next ratemaking
25 proceeding for that electrical corporation.

26 4. The commission may promulgate rules to assist in the implementation of this section.
27 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
28 authority delegated in this section shall become effective only if it complies with and is subject to all
29 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
30 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536
31 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
32 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
33 August 28, 2023, shall be invalid and void."; and

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