

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1753
102ND GENERAL ASSEMBLY

4429H.05C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Chapter 393, RSMo, is amended by adding thereto one new section, to be
2 known as section 393.401, to read as follows:

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

2 **(1) "Dispatchable power resource", a source of electricity that is, under normal**
3 **operating conditions, available for use on demand and that can have its power output**
4 **adjusted according to market needs, except during routine maintenance and repair;**

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

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

12 **(4) "Regional transmission operator", a regional transmission organization,**
13 **independent system operator, or equivalent entity approved by the Federal Energy**
14 **Regulatory Commission, or successor agency, that exercises functional control over**
15 **electric transmission facilities located within this state;**

16 **(5) "Reliable electric generation", dispatchable electric generation meeting the**
17 **accreditation requirements provided for in this section.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **2. Prior to the closure of an existing electric generating power plant in Missouri**
19 **after December 31, 2024, and subject to subsection 3 of this section, an electrical**
20 **corporation registered and doing business in this state shall first certify to the public**
21 **service commission that such utility company has secured and placed on the electric grid**
22 **an equal or greater amount of reliable electric generation based on the regional**
23 **transmission operator's resource accreditation for the reliable electric generation**
24 **technology at issue. To determine if an equal or greater amount of reliable electric**
25 **generation is being placed on the electric grid to replace the existing electric generating**
26 **power plant to be closed, the electrical corporation shall compare the relevant regional**
27 **transmission operator's average of the summer and winter accredited capacity for the**
28 **generation technology of the existing electric generating power plant to be closed to the**
29 **relevant regional transmission operator's average of the summer and winter accredited**
30 **capacity for the generation technology of the replacement reliable electric generation.**
31 **Such average accredited capacity for the replacement reliable electric generation shall**
32 **equal or exceed such average accredited capacity for the existing electric generating**
33 **plant that is to be closed.**

34 **3. (1) For the replacement reliable electric generation required by subsection 2**
35 **of this section, adequate electric transmission lines shall be in place and the replacement**
36 **reliable electric generation shall be fully operational concurrently with the closure of the**
37 **existing electric generating plant, except if some or all of the replacement reliable**
38 **electric generation utilizes some or all the interconnection facilities used by the existing**
39 **electric generating power plant or where the existing electric generating power plant is**
40 **closed as a result of an unexpected or unplanned cause or event.**

41 **(2) If some or all of the replacement reliable electric generation utilizes some or**
42 **all of the interconnection facilities utilized by the existing electric generating power**
43 **plant, such replacement facilities shall be fully operational within one hundred eighty**
44 **days of the closure of the existing electric generating power plant.**

45 **(3) If the existing electric generating power plant is closed as a result of an**
46 **unexpected or unplanned cause or event, the electrical corporation shall install**
47 **replacement reliable electric generation as soon as is practicable and shall use all**
48 **reasonable efforts to minimize the delay following the closure of the existing electric**
49 **generating power plant. For the purposes of this section, an "unexpected or unplanned**
50 **cause or event" shall include a natural disaster, physical sabotage, equipment failure**
51 **causing a forced prolonged outage, an adverse decision of a court, or a change in a state**
52 **or federal law or regulation which directly mandates the closure of the plant and which**
53 **has been upheld after all administrative and judicial appeal remedies have been**

54 exhausted, but which shall not include a voluntary or negotiated settlement with a third-
55 party.

56 (4) During any periods allowed by this subsection where the replacement reliable
57 electric generation is not fully operational by the time of the closure of the existing
58 electric generating power plant, the electrical corporation shall use all reasonable efforts
59 to contract for or otherwise acquire additional available firm generating capacity in a
60 quantity necessary to meet the planning reserve margin requirement of the regional
61 transmission operator in which the electrical corporation operates without reliance on
62 such replacement reliable electric generation. At such time as such replacement reliable
63 electric generation is fully operational, such additional available firm generating
64 capacity shall no longer be required.

65 4. The average of the summer and winter accredited capacity of the replacement
66 reliable electric generation determined in accordance with subsection 2 of this section
67 shall be equal to or greater than the average summer and winter accredited capacity of
68 the existing electric generating power plant determined in accordance with subsection 2
69 of this section, using the regional transmission operator's resource accreditation as of
70 the time construction begins on the replacement reliable electric generation. As part of
71 its approval of the replacement reliable electric generation under subsection 1 of section
72 393.170, the public service commission shall certify that the requirements of this
73 subsection will be met by the replacement reliable electric generation.

74 5. Such reliable electric generation may be constructed outside the state if it is
75 connected to the electric grid of the regional transmission operator of which the
76 electrical corporation is a member.

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

Section B. Because immediate action is necessary to ensure adequate electric supply
2 is available to meet customer demand, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and section A of this act shall
5 be in full force and effect upon its passage and approval.

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