

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 476**  
**103RD GENERAL ASSEMBLY**

1579H.02C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

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

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*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 known as section 393.401, to read as follows:

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

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

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

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

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

(5) "Reliable electric generation", electric generation meeting the 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           (6) "Unexpected or unplanned cause or event", a natural disaster, physical  
19 sabotage, equipment failure or damage causing a forced prolonged outage, or an  
20 adverse decision of a court or a change in a state or federal law or regulation which  
21 causes the closure of an existing electric generating plant.

22           2. Prior to the closure of an existing electric generating power plant in Missouri  
23 if the closure occurs on or after January 1, 2026, and subject to subsection 3 of this  
24 section, an electrical corporation registered and doing business in this state shall first  
25 certify to the public service commission that such utility company has secured and  
26 placed on the electric grid an equal or greater amount of reliable electric generation as  
27 accredited power resources based on the regional transmission operator's resource  
28 accreditation for the reliable electric generation technology at issue with consideration  
29 of the electrical corporation's anticipated loss of load, if any. To determine if an equal or  
30 greater amount of reliable electric generation is being placed on the electric grid to  
31 replace the existing electric generating power plant that is to be closed, the electrical  
32 corporation shall compare the relevant regional transmission operator's average of the  
33 summer and winter accredited capacity for the generation technology of the to-be-closed  
34 existing electric generating power plant to the relevant regional transmission operator's  
35 average of the summer and winter accredited capacity for the generation technology of  
36 the replacement reliable electric generation with consideration of the electrical  
37 corporation's anticipated loss of load, if any. Such average of the summer and  
38 winter accredited capacity for the replacement reliable electric generation shall equal or  
39 exceed such average of the summer and winter accredited capacity for the existing  
40 electric generating plant that is to be closed with consideration of the electrical  
41 corporation's anticipated loss of load, if any. Dispatchable power resources shall  
42 comprise at least eighty percent of the average of the summer and winter accredited  
43 capacity of the replacement reliable electric generation.

44           3. With respect to the replacement reliable electric generation required by  
45 subsection 2 of this section, adequate electric transmission lines shall be in place and the  
46 replacement reliable electric generation shall be fully operational concurrently with the  
47 closure of the existing electric generating plant, except where some or all of the  
48 replacement reliable electric generation utilizes some or all of the interconnection  
49 facilities used by the existing electric generating power plant, or where the existing  
50 electric generating power plant is closed as a result of an unexpected or unplanned cause  
51 or event. In the event that some or all of the replacement reliable electric generation  
52 utilizes some or all of the interconnection facilities utilized by the existing electric  
53 generating power plant, then such replacement facilities shall be fully operational within  
54 one hundred eighty days of the closure of the existing electric generating power plant.

55 In the event that the existing electric generating power plant is closed as a result of an  
56 unexpected or unplanned cause or event, then the following process shall apply:

57 (1) Within one hundred twenty days after the event causing the closure occurs,  
58 the electrical corporation shall file an application with the commission outlining its plan  
59 to install replacement reliable electric generation. The application shall specify the  
60 generation technology the electrical corporation proposes to be used for the  
61 replacement, its estimated cost, and shall demonstrate that the replacement reliable  
62 electric generation's average accredited capacity is equal to or greater than the average  
63 accredited capacity of the closed plant according to the process outlined in subsection 2  
64 of this section. The application under this section shall be submitted to the commission  
65 prior to the electrical corporation's filing of an application to the commission under  
66 subsection 1 of section 393.170. Within two hundred seventy days of the application's  
67 filing, the commission shall either approve or deny the electrical corporation's  
68 application.

69 (2) Promptly after issuance of the commission's order under subdivision (1) of  
70 this subsection, the electrical corporation shall proceed and use all reasonable efforts to  
71 procure, build, and place into operation the approved alternative reliable generation.  
72 During any periods allowed by this subsection where the replacement reliable electric  
73 generation is not fully operational by the time of the closure of the existing electric  
74 generating power plant, the electrical corporation shall use all reasonable efforts to  
75 contract for or otherwise acquire additional available firm generating capacity in a  
76 quantity necessary to meet the planning reserve margin requirement of the regional  
77 transmission operator in which the electrical corporation operates without reliance on  
78 such replacement reliable electric generation. At such time as such replacement reliable  
79 electric generation is fully operational, such additional available firm generating  
80 capacity shall no longer be required under this section. An electrical corporation shall  
81 not enter into a voluntary or negotiated settlement with a third party that requires  
82 closure of an existing electric generating plant unless the electrical corporation  
83 determines that such a settlement is in the best interest of its customers and would  
84 maintain electric reliability. Electrical corporations shall not enter into such a  
85 settlement in order to meet pollution reduction or other corporate or societal goals  
86 beyond those required by law.

87 4. (1) The average of the summer and winter accredited capacity of the  
88 replacement reliable electric generation determined in accordance with subsection 2 of  
89 this section shall be equal to or greater than the average summer and winter accredited  
90 capacity of the to-be-closed dispatchable existing electric generating power plant  
91 determined in accordance with subsection 2 of this section, using the regional

92 transmission operator's resource accreditation as of the time of the electrical  
93 corporation's application to the commission under subsection 1 of section 393.170  
94 with consideration of the electrical corporation's anticipated loss of load, if any.

95 (2) The commission may consider information regarding anticipated loss of load  
96 submitted by the electrical corporation to the pertinent regional transmission operator  
97 for purposes of its long term resource plans. As part of its approval of the replacement  
98 reliable electric generation under subsection 1 of section 393.170, the public service  
99 commission shall certify that the requirements of this subsection shall be met by the  
100 replacement reliable electric generation.

101 (3) If information is submitted to the commission that the electrical corporation  
102 has experienced a significant and long-term loss of load, pursuant to this section, the  
103 commission, prior to a review of potential replacement reliable electric generation under  
104 subsection 1 of section 393.170, shall determine if the acquisition or construction of full  
105 replacement generation is in the public interest. If the commission determines that full  
106 replacement generation is not in the public interest, the requirements of subsection 2 of  
107 this section shall not apply.

108 5. Such reliable electric generation may be constructed in Missouri or in a state  
109 that neighbors Missouri, if the generation is connected to the electric grid of the regional  
110 transmission operator of which the electrical corporation is a member or is located in a  
111 neighboring regional transmission operator which also operates in Missouri and shares  
112 a seam with that member's regional transmission operator.

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

117 7. To the extent existing electric generating power plant capacity is replaced  
118 pursuant to this section, such capacity shall not be replaced by "replacement resources"  
119 under section 393.1705.

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