

HOUSE**AMENDMENT NO. ____****Offered by****of**

1 AMEND House Committee Substitute for House Bill No. 613, Page 1,
 2 Section 393.1405, Line 5, by deleting all of said line and
 3 inserting in lieu thereof the following: "for Missouri
 4 customers"; and

5 Further amend said bill, Page 2, Section 393.1405, Line 23,
 6 by inserting after all of said line the following:

7 "(10) "Professional forester", any individual who holds a
 8 bachelor of science degree in forestry from a society of American
 9 Foresters accredited college or university with a minimum of two
 10 years of professional management experience;"; and

11 Further amend said bill, Page 2, Section 393.1405, Line 24,
 12 deleting the number "(10)" and inserting in lieu thereof the
 13 number "(11)"; and

14 Further amend said bill, Page 2, Section 393.1405, Line 27,
 15 by deleting the number "(11)" and inserting in lieu thereof the
 16 number "(12)"; and

17 Further amend said bill, Page 3, Section 393.1405, Lines 52
 18 and 53, by deleting all of said lines and inserting in lieu
 19 thereof the following: "(iv) Wood chips, pellets, briquettes,
 20 wood wastes, or woody energy crops;"; and

21 Further amend said bill, Page 3, Section 393.1405, Line 84,
 22 by deleting the number "(12)" and inserting in lieu thereof the
 23 number "(13)"; and

24 Further amend said bill, Page 3, Section 393.1405, Line 85,
 25 by deleting all of said line and inserting in lieu thereof the
 26 following: "sections 393.1400 to 393.1445;

27 (14) "The annual value of any renewable energy purchased or
 28 produced by the electric utility", the annual value of any
 29 renewable energy purchased or produced by the electric utility's

Action Taken _____ Date _____

1 renewable energy resources used for compliance with sections
2 393.1400 to 393.1445 shall for each hour of the annual period be
3 calculated by multiplying the energy produced from such resources
4 in that hour by the actual wholesale price of energy in the
5 electric utility's service territory as reflected by the regional
6 transmission organization's real time hourly energy market prices
7 within which the electric utility operates for that hour and
8 totaling those products for the entire annual period. However,
9 no such calculation or reduction shall be applied to dollars
10 spent by utilities in meeting the requirement of sections
11 393.1415 and 393.1420." ; and

12 Further amend said bill, Page 4, Section 393.1410, Line 17,
13 by deleting "\$2.29 billion" and inserting in lieu thereof "\$780
14 million"; and

15 Further amend said bill, Page 4, Section 393.1410, Line 20,
16 by deleting all of said line and inserting in lieu thereof the
17 following:

18 "(c) By December 31, 2020: one hundred forty-five
19 megawatts;

20 "(4) An electric utility with total retail Missouri revenues
21 as of December 31, 2010, of less than seven hundred eight million
22 dollars that owns renewable generation providing delivered
23 energy, or purchases delivered energy from renewable generation,
24 or a combination thereof, totaling at least one hundred forty-
25 five megawatts by December 31, 2011, shall not be required to
26 provide additional renewable generation or purchase additional
27 delivered energy to comply with this section."; and

28 Further amend said bill, Page 4, Section 393.1410, Line 24,
29 by deleting all of said line and inserting in lieu thereof the
30 following: "index, for each of the separate time periods in
31 subsection 1 of this section, then the megawatts of new renewable
32 generation prescribed for that time period by subsection 1 of
33 this"; and

34 Further amend said bill, Pages 4 and 5, Section 393.1410,
35 Lines 28 to 38, by deleting all of said lines and inserting in
36 lieu thereof the following:

37 "3. Notwithstanding any provision of law to the contrary,

1 the following limitations on rate impact shall apply:

2 (1) Notwithstanding any provision of the law to the
3 contrary, the annual net cost during any calendar year to any
4 billing account that experienced a billing demand of five
5 thousand kilowatts or more during the preceding calendar year,
6 and to any interstate pipeline pumping station regardless of
7 size, shall not be more than one percent higher than the cost
8 would have been without the renewable energy mandates set forth
9 in sections 393.1400 to 393.1445, where such impact is measured
10 in accordance with subsection 5 of this section;

11 (2) In addition, the one percent limitation shall apply to
12 any other billing account of an entity qualifying under
13 subdivision (1) of this subsection where that account consumed
14 five million kilowatts or more during the preceding calendar
15 year, and also to any billing account consuming more than five
16 million kilowatts per year that belongs to a parent, subsidiary,
17 or affiliate of the entity responsible for paying the billings
18 for the account qualifying in subdivision (1) of this subsection;

19 (3) To qualify for the limitation in subdivision (2) of
20 this subsection, the entity responsible for the billing account
21 shall establish the existence of the required corporate
22 relationship to the satisfaction of the electric utility.

23 4. In addition, the net cost during any calendar year to
24 any billing account as measured in accordance with subsection 5
25 of this section, of a utility's compliance with the renewable
26 mandate shall not exceed one hundred thousand dollars."; and

27 Further amend said bill, Page 5, Section 393.1410, Line 41,
28 by inserting after the word "determined" the words "on an annual
29 basis"; and

30 Further amend said bill, Page 5, Section 393.1410, Line 57,
31 by inserting after "393.1445" the words "(excluding sections
32 393.1415 and 393.1420)"; and

33 Further amend said bill, Page 5, Section 393.1410, Line 61,
34 by inserting after the word "determined" the words "on an annual
35 basis"; and

36 Further amend said bill, Page 6, Section 393.1410, Line 77,
37 by inserting after "393.1445" the words "(excluding sections

1 393.1415 and 393.1420)"; and

2 Further amend said bill, Page 6, Section 393.1410, Lines 79
3 to 85, by deleting all of said lines and inserting in lieu
4 thereof the following:

5 "6. An electric utility shall pay penalties of two thousand
6 dollars per day for failure to meet the nameplate amounts
7 specified in subsection 1 of this section. Any such monetary
8 fine shall be distributed to the public schools under section 7,
9 article IX of the Constitution of Missouri. An electric utility
10 shall be excused from this subsection if it proves to the
11 commission that failure was due to events beyond its reasonable
12 control that could not have been reasonably mitigated."; and

13 Further amend said bill, Page 6, Section 393.1410, Lines 86
14 to 90, by deleting all of said lines; and

15 Further amend said bill, Page 6, Section 393.1410, Line 91,
16 by deleting the number "8." and inserting the number "7."; and

17 Further amend said bill, Page 6, Section 393.1410, Line 94,
18 by deleting all of said line and inserting in lieu thereof the
19 following:

20 "8. In the event the federal government enacts by statute
21 and/or rule any"; and

22 Further amend said bill, Page 6, Section 393.1410, Line 100,
23 by inserting after all of said line the following:

24 "9. For purposes of subsection 3 of this section, the
25 electric utility shall make a good faith effort to adjust its
26 billings to comply with the rate impact limitations in
27 subsections 3 and 4 of this section. Within ninety days of the
28 end of each calendar year, the electric utility shall calculate
29 the actual rate impact and reimburse any excess collection by
30 means of a bill credit, which credit is subject to subsection 1
31 of section 393.1430."; and

32 Further amend said bill, Page 7, Section 393.1410, Line 111,
33 by inserting after the word "biomass" the words "in Missouri";
34 and

35 Further amend said bill, Page 7, Section 393.1410, Line 114,
36 by inserting after the word "biomass" the words "in Missouri";
37 and

1 Further amend said bill, Page 7, Section 393.1410, Line 115,
2 by inserting after the word "biomass" the words "in Missouri";
3 and

4 Further amend said bill, Page 7, Section 393.1410, Lines 117
5 to 121, by deleting all of said lines and inserting in lieu
6 thereof the following:

7 "(3) Harvest of woody biomass in Missouri shall be
8 conducted to a site specific harvest plan prepared as part of a
9 forest management plan for long-term forest sustainability
10 developed by a professional forester."; and

11 Further amend said bill, Page 7, Section 393.1410, Line 123,
12 by deleting all of said line and inserting in lieu thereof the
13 following: "third-party, professional foresters at the harvest
14 site using a specified sampling intensity"; and

15 Further amend said bill, Page 7, Section 393.1415, Line 1,
16 by deleting the words "up to" and inserting in lieu thereof the
17 word "of"; and

18 Further amend said bill, Page 7, Section 393.1415, Line 4,
19 by inserting after the word "section" the word ", provide"; and

20 Further amend said bill, Page 7, Section 393.1415, Line 5,
21 by deleting the words "Provide up to a maximum of thirteen" and
22 inserting the word "Thirteen"; and

23 Further amend said bill, Page 7, Section 393.1415, Line 6,
24 by inserting after the word "its" the words "net-metered"; and

25 Further amend said bill, Page 7, Section 393.1415, Line 9,
26 by deleting the words "Provide up to a maximum of seven" and
27 inserting the word "Seven"; and

28 Further amend said bill, Page 7, Section 393.1415, Line 13,
29 by deleting the words "Provide up to a maximum of two" and
30 inserting the word "Two"; and

31 Further amend said bill, Page 8, Section 393.1415, Line 19,
32 by inserting after the word "section" the word ", provide"; and

33 Further amend said bill, Page 8, Section 393.1415, Line 20,
34 by deleting the words "Provide up to a maximum of two" and
35 inserting the word "Two"; and

36 Further amend said bill, Page 8, Section 393.1415, Line 21,
37 by inserting after the word "its" the words "net-metered"; and

1 Further amend said bill, Page 8, Section 393.1415, Line 24,
2 by deleting the words "Provide up to a maximum of two" and
3 inserting the word "Two"; and

4 Further amend said bill, Page 8, Section 393.1415, Line 28,
5 by deleting the words "Provide up to a maximum of one" and
6 inserting the word "One"; and

7 Further amend said bill, Page 8, Section 393.1415, Line 33,
8 by deleting "\$2.29 billion" and inserting in lieu thereof "\$780
9 million"; and

10 Further amend said bill, Page 8, Section 393.1415, Line 34,
11 by inserting after the word "section" the word ", provide"; and

12 Further amend said bill, Page 8, Section 393.1415, Line 35,
13 by deleting the words "Provide up to a maximum of two" and
14 inserting the word "Two"; and

15 Further amend said bill, Page 8, Section 393.1415, Line 36,
16 by inserting after the word "its" the words "net-metered"; and

17 Further amend said bill, Page 8, Section 393.1415, Line 39,
18 by deleting the words "Provide up to a maximum of two" and
19 inserting the word "Two"; and

20 Further amend said bill, Page 8, Section 393.1415, Line 43,
21 by deleting the words "Provide up to a maximum of one" and
22 inserting the word "One"; and

23 Further amend said bill, Page 8, Section 393.1415, Line 44,
24 by inserting after the word "its" the words "net-metered"; and

25 Further amend said bill, Page 8, Section 393.1415, Line 49,
26 by inserting after the word "section" the word ", provide"; and

27 Further amend said bill, Page 8, Section 393.1415, Line 50,
28 by deleting the words "Provide up to a maximum of one" and
29 inserting the word "One"; and

30 Further amend said bill, Page 9, Section 393.1415, Line 54,
31 by deleting the words "Provide up to a maximum of one" and
32 inserting the word "One"; and

33 Further amend said bill, Page 9, Section 393.1415, Line 58,
34 by deleting the words "Provide up to a maximum of five" and
35 inserting the word "Five"; and

36 Further amend said bill, Page 9, Section 393.1415, Line 63,
37 by deleting all of said line and inserting in lieu thereof the

1 following: "at the discretion of the utility be treated as part
2 of the electric utility's net capital investments in renewable
3 energy resources for purposes of determining the appropriate RES
4 rate under sections 393.1425 to 393.1443."; and

5 Further amend said bill, Page 9, Section 393.1415, Line 64,
6 by deleting all of said line and inserting in lieu thereof the
7 following:

8 "3. A net-metered customer shall be eligible for a
9 financial incentive"; and

10 Further amend said bill, Page 9, Section 393.1415, Line 66,
11 by inserting after "installed," the word "and"; and

12 Further amend said bill, Page 9, Section 393.1415, Line 66,
13 by deleting the words "up to an" and inserting the words "the
14 next"; and

15 Further amend said bill, Page 9, Section 393.1415, Line 75,
16 by deleting the word "practice" and inserting the word
17 "practices"; and

18 Further amend said bill, Page 9, Section 393.1415, Line 81,
19 by inserting after the word "years" the words "but no amounts
20 shall be carried forward beyond December 31, 2021"; and

21 Further amend said bill, Page 10, Section 393.1420, Line 8,
22 by deleting all of said line and inserting in lieu thereof the
23 following:

24 "3. A net-metered customer shall be eligible for a
25 financial incentive"; and

26 Further amend said bill, Page 10, Section 393.1420, Line 19,
27 by inserting after the word "years" the words "but no amounts
28 shall be carried forward beyond December 31, 2015"; and

29 Further amend said bill, Page 10, Section 393.1425, Line 1,
30 by deleting all of said line and inserting in lieu thereof the
31 following:

32 "393.1425. 1. As used in sections 393.1410 and 393.1425
33 to 393.1435, the following words and phrases"; and

34 Further amend said bill, Page 11, Section 393.1425, Line 3,
35 by deleting all of said line and inserting in lieu thereof the
36 following:

37 "(1) "Accumulation period", a period no greater than twelve

1 months preceding a filing to establish or"; and

2 Further amend said bill, Page 11, Section 393.1425, Lines 6
3 to 8, by deleting all of said lines and inserting in lieu thereof
4 the following:

5 "(2) "RES capital costs", the depreciation expense and
6 property taxes of the electric utility that are associated with
7 the electric utility's capital investments in renewable energy
8 resources that provide delivered energy, including capital
9 investments made in compliance"; and

10 Further amend said bill, Page 11, Section 393.1425, Line 14,
11 by inserting after "rate" the word ", less"; and

12 Further amend said bill, Page 11, Section 393.1425, Line 14,
13 by inserting after all of said line the following:

14 "(d) The annual value of any renewable energy purchased or
15 produced by the electric utility;

16 (4) RES cost recovery mechanism" or "RCRM", the mechanism
17 approved by the commission to allow an electric utility to
18 recover all costs of compliance with the RES;"; and

19 Further amend said bill, Page 11, Section 393.1425, Line 15,
20 by deleting the number "(4)" and inserting in lieu thereof the
21 number "(5)"; and

22 Further amend said bill, Page 11, Section 393.1425, Line 17,
23 by deleting the year "2012" and inserting in lieu thereof the
24 year "2011"; and

25 Further amend said bill, Page 11, Section 393.1425, Line 27,
26 by deleting the words "renewable energy standard" and inserting
27 in lieu thereof "RES"; and

28 Further amend said bill, Page 11, Section 393.1425, Line 28,
29 by deleting the words "Renewable Energy Standard" and inserting
30 in lieu thereof "RES"; and

31 Further amend said bill, Page 11, Section 393.1425, Line 29,
32 by inserting after all of said line the following:

33 "(6) "RES rate", a rate approved by the commission for
34 recovery of RES costs;"; and

35 Further amend said bill, Page 11, Section 393.1425, Line 30,
36 by deleting the number "(5)" and inserting in lieu thereof the
37 number "(7)"; and

1 Further amend said bill, Page 11, Section 393.1425, Lines 31
2 to 37 by deleting all of said lines and inserting in lieu thereof
3 the following: "by: the electric utility's net capital
4 investments in renewable energy resources that provide delivered
5 energy, including capital investments made to comply with
6 renewable energy standards in effect prior to the effective date
7 of sections 393.1400 to 393.1445, on the electric utility's books
8 as of the end of the accumulation period. The income taxes
9 related to the RES return shall be included;"; and

10 Further amend said bill, Page 12, Section 393.1425, Line 38,
11 by deleting the number "(6)" and inserting in lieu thereof the
12 number "(8)"; and

13 Further amend said bill, Page 12, Section 393.1425, Line 38,
14 by inserting after the second occurrence of "RES" the word
15 "rate"; and

16 Further amend said bill, Page 12, Section 393.1425, Line 39,
17 by inserting after all of said line the following:

18 "2. All RES costs incurred under paragraph (a) or (b) of
19 subdivision (5) of subsection 1 of this section, regardless of
20 contract term, shall be recovered in the electric utility's RES
21 rate. That is, where the electric utility enters into contracts
22 under subsection 1 of section 393.1410 that extend beyond the
23 indicated dates, then all RES costs as defined in this section
24 shall be included in the RES rate."; and

25 Further amend said bill, Page 12, Section 393.1430, Line 3,
26 by deleting all of said line and inserting in lieu thereof the
27 following: "tariffs with the commission to establish a RCRM or
28 to change a RES rate that will allow for the"; and

29 Further amend said bill, Page 12, Section 393.1430, Line 6,
30 by deleting all of said line and inserting in lieu thereof the
31 following: "393.1410. A RES rate and any future changes thereto
32 shall be calculated and implemented in"; and

33 Further amend said bill, Page 12, Section 393.1430, Line 10,
34 by deleting all of said line and inserting in lieu thereof the
35 following:

36 "2. The commission shall not approve a RCRM or a RES rate
37 for any electric utility that has"; and

1 Further amend said bill, Page 12, Section 393.1430, Lines 14
2 to 16, be deleting all of said lines and inserting in lieu
3 thereof the following:

4 "3. In no event shall an electric utility collect a RES
5 rate or continue to use an approved RCRM for a period exceeding
6 five years unless the electric utility has filed for or is the
7 subject of a new general rate proceeding where the terms of the
8 RCRM are reviewed by the commission; provided that a RES rate
9 that is approved in accordance with section 393.1435 may be
10 collected until the effective date of new rate"; and

11 Further amend said bill, Page 12, Section 393.1435, Line 2,
12 by deleting all of said line and inserting in lieu thereof the
13 following: "commission seeking to establish or change a RES
14 rate, it shall submit proposed tariffs and"; and

15 Further amend said bill, Page 12, Section 393.1435, Line 3,
16 by inserting after "RES" the word "rate"; and

17 Further amend said bill, Page 12, Section 393.1435, Line 5,
18 by deleting all of said line and inserting in lieu thereof the
19 following: "proposed RES rate tariff, and its supporting
20 documentation."; and

21 Further amend said bill, Page 12, Section 393.1435, Line 7,
22 by deleting the word "tariff" and inserting in lieu thereof the
23 word "rate"; and

24 Further amend said bill, Page 12, Section 393.1435, Line 10,
25 by inserting after "RES" the word "rate"; and

26 Further amend said bill, Page 12, Section 393.1435, Line 12,
27 by inserting after the word "underlying" the word "RES"; and

28 Further amend said bill, Page 12, Section 393.1435, Line 13,
29 by deleting the word "surcharge" and inserting in lieu thereof
30 the words "RES rate"; and

31 Further amend said bill, Page 13, Section 393.1435, Line 16,
32 by inserting after "RES" the word "rate"; and

33 Further amend said bill, Page 13, Section 393.1435, Line 18,
34 by inserting after "RES" the word "rate"; and

35 Further amend said bill, Page 13, Section 393.1435, Line 23,
36 by inserting after "RES" the word "rate"; and

37 Further amend said bill, Page 13, Section 393.1435, Line 27,

1 by deleting the words "pretax revenue" and inserting in lieu
2 thereof the words "RES rate"; and

3 Further amend said bill, Page 13, Section 393.1435, Line 48,
4 by inserting after "RES" the word "rate"; and

5 Further amend said bill, Page 13, Section 393.1435, Line 50,
6 by deleting the word "pretax" and inserting in lieu thereof the
7 word "RES"; and

8 Further amend said bill, Page 14, Section 393.1435, Line 55,
9 by inserting after "RES" the word "revenue"; and

10 Further amend said bill, Page 14, Section 393.1435, Line 57,
11 by inserting after the word "charge" the word "revenue"; and

12 Further amend said bill, Page 14, Section 393.1435, Line 58,
13 by deleting "RES" and inserting in lieu thereof "RCRM"; and

14 Further amend said bill, Page 14, Section 393.1435, Line 59,
15 by inserting after the words "between the" the word "RES"; and

16 Further amend said bill, Page 14, Section 393.1435, Line 60,
17 by inserting after "application of the RES" the word "rate"; and

18 Further amend said bill, Page 14, Section 393.1435, Line 60,
19 by deleting the word "pretax" and inserting in lieu thereof the
20 word "RES"; and

21 Further amend said bill, Page 14, Section 393.1435, Line 64,
22 by deleting "RES" and inserting the word "RCRM"; and

23 Further amend said bill, Page 14, Section 393.1435, Line 69,
24 by inserting after "RES" the word "rate"; and

25 Further amend said bill, Page 14, Section 393.1435, Line 71,
26 by inserting after "RES" the word "rate"; and

27 Further amend said bill, Page 14, Section 393.1435, Line 73,
28 by inserting after "RES" the word "rate"; and

29 Further amend said bill, Page 14, Section 393.1435, Line 74,
30 by deleting the word "pretax" and inserting in lieu thereof the
31 word "RES"; and

32 Further amend said bill, Page 14, Section 393.1435, Line 75,
33 by inserting after "RES" the word "rate"; and

34 Further amend said bill, Page 14, Section 393.1435, Line 79,
35 by inserting after "RES" the word "rate"; and

36 Further amend said bill, Page 14, Section 393.1435, Line 84,
37 by deleting all of said line and inserting in lieu thereof the

1 following: "included in a RES rate, the electric utility shall
2 change its RES rate in the future as necessary to"; and

3 Further amend said bill, Page 15, Section 393.1435, Line
4 107, by inserting after all of said line the following:

5 "13. Alternatively, an electric utility may recover RES
6 compliance costs without use of the RES cost recovery mechanism,
7 through rates established in a general rate proceeding. In the
8 interim between general rate proceedings, the electric utility
9 may defer the costs in a regulatory asset account, and monthly
10 calculate a carrying charge on the balance in that regulatory
11 asset account equal to its short-term cost of borrowing. All
12 questions pertaining to rate recovery of the RES compliance costs
13 in a subsequent general rate proceeding will be reserved to that
14 proceeding, including the prudence of the costs for which rate
15 recovery is sought and the period of time over which any costs
16 allowed rate recovery will be amortized. Any rate recovery
17 granted to RES compliance costs under this subsection shall be
18 fully subject to the retail rate impact requirements of the
19 RES."; and

20 Further amend said bill, Page 15, Section 393.1440, Line 11,
21 by inserting after all of said line the following:

22 "393.1441. When evaluating projects to comply with sections
23 393.1400 to 393.1445, electric utilities shall conduct a cost
24 analysis that includes capital costs, transmission costs,
25 projections of energy production based upon wind data, projected
26 value of the wind energy produced adjusted for capacity factor,
27 taxes, federal or state productions tax credits, or the purchased
28 power price where applicable based on a twenty-year net present
29 value. If after analysis, using these factors, a Missouri
30 project is equal to or better than projects in other states,
31 preference shall be given to the Missouri project, subject to
32 commission verification."; and

33 Further amend said bill, Page 16, Section 393.1443, Lines 3
34 and 4, by deleting all of said lines and inserting in lieu
35 thereof the following: "sections 393.1400 to 393.1440, and the
36 Missouri public service commission shall allow for such recovery
37 under sections 393.1400 to 393.1440."; and

1 Further amend said title, enacting clause and intersectional
2 references accordingly.