

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Dudley offered the following:

**Amendment**

Remove lines 36-39 and insert:

(a) Recovery through a separate charge entitled "Nuclear Cost Recovery Charge" and shown as a separate line item on each customer bill ~~the capacity cost recovery clause~~ of any preconstruction costs.

(b) Recovery through a separate charge entitled the "Nuclear Cost Recovery Charge" and shown as a separate line item on each customer bill ~~an incremental increase in the utility's capacity cost recovery clause rates~~ of the carrying

Remove lines 66-77 and insert:  
cost-effective source of power for the consumer. In determining cost-effectiveness, the utility shall comply with following

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Approved For Filing: 4/29/2013 7:53:10 AM

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17 requirements in order to be eligible to recover any additional  
18 costs associated with such plant pursuant to this section. For  
19 purposes of this section, the term "additional costs" means any  
20 and all costs associated with or related to the plant incurred  
21 after December 31 of the year in which the utility receives a  
22 license from the Nuclear Regulatory Commission.

23 (c) In its next filing with the commission after receiving  
24 a license from the Nuclear Regulatory Commission, the utility  
25 shall present a firm cost for its nuclear project in terms of:

26 1. The total project cost, including all capital costs,  
27 capitalized carrying costs, and preconstruction and carrying  
28 costs that would be borne by customers if cost recovery were  
29 granted pursuant to this section.

30 2. The projected total cost for energy to be produced by  
31 the nuclear plant, both in total dollars per year and on a cents  
32 per kilowatt-hour basis, for each year beginning with the year  
33 that the plant achieves inservice status and continuing for 30  
34 years thereafter, provided that all costs recovered before the  
35 facility achieving inservice status shall be added into the  
36 projected costs per kilowatt-hour on an equal, pro rata basis  
37 over the first 10 years after the plant achieves inservice  
38 status.

39 3. The projected rate impacts on all customer classes for  
40 each year beginning with the year after such filing and  
41 continuing for 30 years after the plant is projected to achieve  
42 inservice status.

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44 In an order approving cost recovery for such additional costs,  
45 the commission shall specify the maximum amounts that the  
46 utility may recover in each year of the 30-year period, and  
47 shall also specify the maximum rates that the utility may charge  
48 its customers over the same 30-year period.

49 (d) The utility's testimony accompanying the filing  
50 referred to in paragraph (a) shall include testimony by its  
51 president or chief nuclear officer affirming that the utility  
52 guarantees that the costs and rates shown in its exhibits are  
53 the maximum amounts that the utility will seek to recover from  
54 its customers associated with the plant through the 30-year  
55 period after the plant achieves inservice status. In proceedings  
56 on such filing, the commission shall conduct a formal  
57 evidentiary hearing in which the utility must prove that there  
58 are no more demand side measures or supply side alternatives  
59 available that would not meet projected electricity demand at a  
60 lower cost per kilowatt-hour.

61 (e) In order to demonstrate that the utility has satisfied  
62 this requirement, the utility, after having accounted for all  
63 achievable demand-side measures that meet electricity demand at  
64 a lower cost per kilowatt hour, shall have offered to purchase  
65 amounts of alternative sources of energy, including renewable  
66 energy, that can meet the remaining electricity demand that  
67 would be produced by its proposed nuclear plant for the 30-year  
68 period at prices that are no greater than 90 percent of the  
69 yearly projected cost per kilowatt-hour for the nuclear energy.

70 (f) The Legislature encourages the use of a competitive  
71 auction process among such energy providers in order to obtain

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72 needed electricity at the lowest possible cost, as demonstrated  
73 by competitive market forces. If a reliable energy provider  
74 offers to provide such energy at prices that are no greater than  
75 90 percent of the projected nuclear energy cost per kilowatt-  
76 hour over the 30-year period, or if a competitive auction  
77 process yields winning bid prices that are less than 90 percent  
78 of the projected nuclear energy cost per kilowatt-hour over the  
79 30-year period, the commission shall approve contracts between  
80 the utility and such providers for cost recovery in accordance  
81 with its normal practices.

82 (g) The commission shall amend its rules to implement this  
83 subsection.

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