

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Empire District)
Electric Company's Submission of) Case No. EO-2012-0336
its 2012 RES Compliance Plan)

**MISSOURI DEPARTMENT OF NATURAL RESOURCES' COMMENTS
and REQUEST FOR LEAVE TO FILE OUT OF TIME**

The Missouri Department of Natural Resources (MDNR), pursuant to 4 CSR 240-20.100, respectfully submits the following comments in response to the 2011 Compliance Report and 2012 Compliance Plan of Empire District Electric Company.

In passing Proposition C, Missouri voters communicated their interest in more renewable energy than had been previously developed in Missouri by 2008. This first set of filings demonstrates that Missouri's renewable energy standard is not creating significant additional renewable energy development. While the 2011 Compliance Reports and 2012 Compliance Plans may comply with the Commission's rules, the results are disappointing to say the least, from a policy perspective. This is largely due to the fact that the utilities are counting pre-existing hydropower and aged renewable energy credits (RECs)--those generated before the first compliance year. MDNR once again recommends additional examination to clarify how to apply the standard to hydropower and how to "count" the three-year life of RECs.

MDNR respectfully requests that the Commission accept these comments one day out of time, which was caused by the press of other business.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served electronically on all counsel of record this 31st day of May, 2012.

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