

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

In the Matter of The Empire District Electric)
Company's Submission of its 2015) File No. EO-2015-0260
Annual RES Compliance Plan)

MOTION FOR LEAVE TO FILE AMENDED RES PLAN

COMES NOW The Empire District Electric Company ("Empire" or "Company"), by and through the undersigned counsel, and respectfully files this Motion for Leave to File Amended RES Plan. In this regard, Empire states as follows to the Missouri Public Service Commission ("Commission"):

1. Commission Rule 4 CSR 240-20.100(7) provides that each electric utility shall file a renewable energy standard ("RES") compliance report and plan by April 15 of each year. Pursuant to said rule, on April 14, 2015, Empire filed its 2014 RES compliance report and its 2015 RES plan.

2. The Commission issued its Order Directing Notice and Order Setting Filing Deadline herein on April 16, 2015. The Commission directed the Staff of the Commission to file a report regarding Staff's review of Empire RES compliance filings and provided that Staff and other stakeholders file their reports/comments herein by May 29, 2015.

3. At this time, Empire seeks leave to file the amended 2015 RES plan attached hereto and requests that Staff and other stakeholders be given an additional 45 days to file their reports/comments.

4. On November 4, 2008, Missouri voters approved "Proposition C," codified at RSMo. §§393.1020-393.1035, which requires investor-owned utilities in Missouri to generate or purchase electricity from renewable energy sources, such as solar, wind, biomass, and hydro power, or purchase Renewable Energy Credits, in amounts equal to at least 5% of retail sales in

2014, increasing to at least 15% by 2021. Empire has been, and continues to be, in compliance with this requirement. Proposition C, however, also requires that 2% of the energy from renewable energy sources be solar and provides for the offering of certain solar rebates. Empire, in reliance on RSMo. §393.1050 and the previous decisions of the courts and this Commission, operated under the belief that the Company was exempt from these solar-specific requirements. As such, Empire's prior RES compliance reports and plans did not address solar compliance issues.

5. On January 20, 2013, the Earth Island Institute, d/b/a Renew Missouri, and others challenged the solar exemption provided for in RSMo. §393.1050, by filing a complaint with the Commission (Commission Case No. EC-2013-0378). The Commission dismissed the complaint, and Renew Missouri sought review in the Missouri Supreme Court. The Supreme Court determined that the statutory exemption from payment of solar rebates upon which Empire relied had been repealed by the passage of Proposition C. The mandate from the Supreme Court was issued on April 2, 2015. Thereafter, on April 10, 2015, the Commission issued an order in Case No. EC-2013-0378, directing Empire to file a proposed solar rebate tariff. On May 5, 2015, Empire submitted its proposed solar rebate tariff sheets (Tracking No. YE-2015-0322), and the solar rebate tariff took effect on May 16, 2015.

6. Following the decision of the Supreme Court referenced above and the implementation of Empire's solar rebate tariff, Empire prepared the attached amended 2015 RES plan in order to more fully address issues involving solar, including the RES retail impact limit.

WHEREFORE, Empire seeks leave to file its amended 2015 RES plan and requests that Staff and other stakeholders be given an additional 45 days to file their reports/comments regarding the same.

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed in EFIS and that a copy of the same was sent via electronic mail on this 27th day of May, 2015, to counsel for Staff and OPC.

/s/ Diana C. Carter