

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 10th day of
April, 2015.

Earth Island Institute d/b/a
Renew Missouri, et al.

Complainants,

v.

The Empire District Electric Company

Respondent.

File No. EC-2013-0378

**ORDER DIRECTING THE EMPIRE DISTRICT ELECTRIC COMPANY TO
FILE A SOLAR REBATE TARIFF**

Issue Date: April 10, 2015

Effective Date: April 10, 2015

On November 26, 2013, the Commission issued an order denying Earth Island Institute, d/b/a Renew Missouri's motion for summary determination and granting The Empire District Electric Company's motion to dismiss. Renew Missouri appealed that decision, and on February 10, 2015, the Missouri Supreme Court issued an opinion reversing a portion of the Commission's order. Specifically, the Supreme Court declared that the statutory exemption from payment of solar rebates upon which Empire relied had been repealed by passage of Proposition C. The mandate from the Supreme Court issued on April 2, 2015.

On April 3, 2015, Renew Missouri filed a motion to compel filing of tariff sheets and a motion for expedited treatment. That motion contends there are no contested issues

remaining for decision by the Commission. Instead, Renew Missouri asserts Empire must now file tariffs to implement the solar rebates that are required under the law as declared by the Supreme Court. Renew Missouri asks the Commission to promptly order Empire to file such tariffs and argues that expedited consideration is required because the statutory solar rebate will drop from \$1.50 per watt to \$1.00 per watt on July 1, 2015. Public Counsel filed a pleading on April 8, supporting Renew Missouri's motion.

Given Renew Missouri's request for expedited consideration, the Commission directed Empire to respond to Renew Missouri's motion by 10:00 a.m. on April 8. Empire filed a timely response indicating it intends to file a solar rebate tariff as soon as possible. However, it asserts that the creation of such a tariff is a difficult process and that it will be unable to complete and file such a tariff until April 30.

Although Renew Missouri and Empire disagree about when a solar rebate tariff should be filed, their disagreement does not necessarily affect when that tariff would go into effect. Pushing Empire to make a rushed tariff filing could create more disputes and could ultimately delay implementation of the solar rebates. Instead, the Commission will direct Empire to file its tariff by April 30, as it indicates it can do. The Commission will encourage Renew Missouri and other stakeholders to consult with Empire about the content of that tariff so that disagreements can be discussed or resolved before the tariff is filed. When the tariff is filed, Empire shall request expedited approval of the tariff so that it can quickly go into effect to permit Empire's ratepayers to begin receiving solar rebates as soon as possible. The filing of a request for expedited approval will generate a new case so the tariff should not be filed in this case. However, the Commission will direct Empire to file a notice in this case when the tariff is filed.

THE COMMISSION ORDERS THAT:

1. No later than April 30, 2015, The Empire District Electric Company shall file a solar rebate tariff to comply with Section 393.1030.3 RSMo (Cum. Supp. 2013) and Commission Rule 4 CSR 240-20.100(4).
2. The solar rebate tariff shall not be filed in this case, but The Empire District Electric Company shall file a notice in this case when the tariff is filed.
3. This order shall be effective when issued.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

R. Kenney, Chm., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Woodruff, Chief Regulatory Law Judge