

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

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

NOTICE REGARDING CONSIDERATION OF EMPIRE'S REQUEST FOR WAIVER OR VARIANCE AND CLOSING FILE

Issue Date: March 28, 2013

This file was opened on April 11, 2012, when The Empire District Electric Company filed its Renewable Energy Standard Compliance Report for 2011, and its Renewable Energy Standard Compliance Plan for 2012-2014, as it was required to do by Commission Rule 4 CSR 240-20.100(7). On August 15, 2012, the Commission declined to issue any orders regarding that Report and Plan and closed the file. In doing so, the Commission advised organizations that submitted comments that if they wanted to further pursue their contention that Empire failed to comply with the requirements of the renewable energy statute or the Commission's implementing regulations, they could do so by filing a complaint pursuant to Section 4 CSR 240-20.100(8)(A) and the statutes and regulations governing complaints before the Commission.

Earth Island Institute d/b/a Renew Missouri and several other environmental organizations responded by filing a complaint against Empire on January 30, 2013. That complaint is now pending before the Commission in File No. EC-2013-0382. The Renew Missouri complaint alleges that Empire is out of compliance with the Commission's RES rule because it has failed to provide a detailed explanation of its calculation of the RES retail impact limit as required by 4 CSR 240-20.100(7)(B)1.F. Empire has filed its answer to Renew

Missouri's complaint in EC-2013-0382, and a procedural conference will be held in that case on April 1, 2013.

After Renew Missouri filed its complaint, Empire filed a pleading in this case entitled "Request for Waiver or Variance". Empire's pleading asks the Commission to grant it a waiver or variance from the requirements of 4 CSR 240-20.100(7)(B)1.F to address the allegations made in Renew Missouri's complaint.

The Commission will ultimately decide whether Empire is entitled to a waiver of the requirements of the rule. However, there is no reason to pursue a parallel procedural schedule to make that determination in this case. The appropriate forum to address Empire's request for waiver is in the existing complaint case, EC-2013-0382, not in this previously closed case in which the Commission has indicated its unwillingness to issue additional orders. Therefore, this case shall be closed and all further argument regarding the request for waiver shall be addressed through the procedural schedule that the Commission will establish for EC-2013-0382.

BY THE COMMISSION



Shelley Brueggemann
Acting Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of March, 2013.