

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 5<sup>th</sup> day of  
August, 2015.

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

**NOTICE REGARDING 2015 RES COMPLIANCE PLAN AND REPORT**

Issue Date: August 5, 2015

On April 14, 2015, The Empire District Electric Company ("Empire") filed its Renewable Energy Standard Compliance Report and Plan for 2015 ("Report and Plan"), as it was required to do by Commission Rule 4 CSR 240-20.100(7). The Commission's rule requires the Staff of the Commission to review the utility's compliance report and plan and to file a report about its review within 45 days.<sup>1</sup>

On May 27, in response to a Missouri Supreme Court decision involving Empire's solar rebate tariff, Empire filed a motion for leave to file an amended 2015 plan contemporaneously with its amended plan ("Amended Plan"). The Commission granted that motion, and gave interested parties until July 24 to comment on the Amended Plan.

Staff filed a report on the Plan on May 29. Staff reported no deficiencies in the Report or Plan.

The Commission's rule also allows Public Counsel and other interested persons or entities to file comments regarding GMO's Plan.<sup>2</sup> The Division of Energy stated that it certified all renewable energy generation facilities referred to in the Report. Renew Missouri claims deficiencies in the Report such as the use of hydroelectric facilities larger

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<sup>1</sup> 4 CSR 240-20.100(7)(D).

<sup>2</sup> 4 CSR 240-20.100(7)(E).

than 10 MW, Empire's lack of attempt to comply with the solar requirement of the RES, and a lack of 1% Retail Rate Impact ("RRI") calculation according to 4 CSR 240-20.100(5).

Only Staff replied to the Amended Plan. Staff states that Empire's failure to exclude existing renewable resources from the RRI calculation makes the Amended Plan deficient. However, Empire's RRI estimate is well below 1%, and Staff does not expect the revised calculation to alter the result. Staff believes Empire's calculation gives sufficient insight to the potential rate impact of solar compliance.

The Commission's regulation does not specify what, if any, action the Commission is to take regarding Empire's RES compliance report and plan and any alleged deficiencies in that report and plan, except to allow the Commission to "establish a procedural schedule if necessary".<sup>3</sup> After considering the submitted comments, the Commission concludes that no further order from the Commission is appropriate at this time.

If the organizations that submitted comments, or anyone else, want to further pursue their contention that Empire has failed to comply with the requirements of the renewable energy statute or the Commission's implementing regulations, they may do so by filing a complaint pursuant to Commission Rule 4 CSR 240-20.100(8)(A) and the statutes and regulations governing complaints before the Commission.

**BY THE COMMISSION**



A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

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

Pridgin, Deputy Chief Regulatory Law Judge

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<sup>3</sup> 4 CSR 240-20.100(7)(F).