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Citizens Prevail In Missouri Supreme Court in Solar Rebate Case

COLUMBIA, MO – In a 5-2 decision released February 10 by the Missouri Supreme Court, citizens won their appeal against Empire District Electric and the Public Service Commission. The Supreme Court nullified a law that Empire claimed gave them an exemption from offering solar rebates to its customers.

“This ruling legally clarifies that as of today, more than six years after a majority of Empire’s own customers voted to require it to do so, Empire must offer solar rebates,” said PJ Wilson, Director of Renew Missouri.

The Court’s ruling relied largely on the fact that the ballot initiative, known as Proposition C, passed more recently in time than an attempt by the Missouri legislature to exempt Empire from solar requirements. The legislature passed House Bill 1181 in May 2008, which said that Empire would be exempt from any solar requirements should they exist in the future. But the subsequent ballot initiative, passed in November 2008 with over 66 percent of the popular vote, required all publicly regulated utilities to offer solar rebates to their customers starting in January 2010.

The Court explained in its ruling that, “the legislature could not preemptively negate the effect of the initiative before it had even been voted on by the people and make the people’s later vote a meaningless act...”

Plaintiffs Renew Missouri and Missouri Coalition for the Environment were represented by Henry Robertson with Great Rivers Environmental Law Center. Mr. Robertson said, “Empire tried to get out of obeying part of the law. The Supreme Court reminded it that you can’t amend a law that hasn’t been passed yet.”

“Today is a win for Missouri voters and clean energy jobs, especially in Southwest Missouri,” said Heather Navarro, Executive Director of the Missouri Coalition for the Environment. “Empire customers will now enjoy the same economic benefits of solar energy as seen elsewhere in Missouri.”

While Ameren Missouri and Kansas City Power & Light have paid out over \$175 million in solar incentives in the St Louis and Kansas City areas since 2010, Empire Electric Company has yet to offer the rebates to their customers as required by law.

More information about the ruling can be found at <http://www.courts.mo.gov/file.jsp?id=83613>.

Renew Missouri is a Columbia, Missouri based nonprofit with a mission to transform Missouri into a leading state in energy efficiency and renewable energy by 2016.

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to protect the environment and public health. Its web address is: www.greatriverslaw.org.

The Missouri Coalition for the Environment, a nonprofit, nonpartisan, 501(c)(3) state-level conservation organization, is a force for clean air, clean water and clean energy in Missouri. Since 1969 it has educated and activated Missourians to protect the land we all love. Its web address is: www.moenviron.org.