



705 Olive Street, Suite 614, St. Louis, MO 63101-2208
Telephone (314) 231-4181, facsimile (314) 231-4184
www.greatriverslaw.org

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For More Information Contact:
Henry Robertson
Great Rivers Environmental Law Center
(314) 231-4181
hrobertson@greatriverslaw.org

Great Rivers Files Suit against Empire District Electric over Solar Rebate
Great Rivers Says Empire's Exemption is Illegal

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At the November, 2008 election, Missouri voters passed Proposition C, the Renewable Energy Standard, with 66% support. The ballot initiative set renewable energy targets for the state's investor-owned utilities. In addition, the utilities are required to meet 2% of their targets with solar energy, and to offer a rebate to customers who want to install their own solar panels.

But in May, 2008, at the end of the legislative session, Joplin-based Empire District Electric had preemptively slipped a bill through the legislature that declared it exempt from the solar energy requirements of Proposition C. When the solar rebate went into effect at the beginning of 2010, Empire was not offering the incentive to its customers. In their corner of the state, benefits conferred by the voters are being denied.

On March 15, Great Rivers Environmental Law Center filed suit in Cole County Circuit Court to strike down the Empire exemption. "Empire tried to thwart the will of the voters in advance," said Henry Robertson, attorney at Great Rivers. "Unfortunately for them, their law is useless. The legislature doesn't have authority to amend an initiative before it's voted on. Even if it did, this law was repealed by the passage of Prop C, which says Empire has to offer the rebate."

Great Rivers represents Jim Evans, a retired school teacher from Republic, and Kelly Cardin, a Springfield fireman, both Empire customers who want to put solar panels on their property. Power Source Solar of Springfield, an installer of small solar and wind systems, is also a plaintiff. The defendants are Empire and the Missouri Public Service Commission, the agency charged with enforcing Prop C. The declaratory judgment suit asks the court to declare the Empire exemption invalid and order Empire to abide by Prop C.

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 promote preservation of open space, clean energy, clean air and clean water. Its web address is: www.greatriverslaw.org.