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## **GROUPS FILE SUIT AGAINST STATE AGENCIES FOR OBSTRUCTING IMPLEMENTATION OF STATE RENEWABLE ENERGY LAW**

Yesterday, attorneys for Great Rivers Environmental Law Center filed suit against four Missouri governmental entities, alleging they all played a role in thwarting the proper implementation of the state's Renewable Energy Standard law, passed by voters in the 2008 election as Proposition C. The suit was filed in St. Louis County Circuit Court.

The renewable energy law requires the state's investor-owned utilities, including Ameren Missouri, Kansas City Power & Light, and Empire District Electric Company, to ramp up their use of renewable energy to at least 15% of the power they sell to their Missouri customers by 2021. Plaintiffs in the suit contend that Missouri's Secretary of State failed to publish key provisions of the regulation, leaving it unclear whether utilities are actually required to build new renewable energy generation, or whether they can comply instead by buying pieces of paper called "renewable energy credits" from solar and wind projects in faraway places like California or Canada.

"It's a critical issue because if utilities aren't required to deliver renewable energy to Missouri, the law is largely meaningless. Missouri isn't getting new jobs or the new renewable energy that should be built here," said Vaughn Probst of Missouri Solar Applications, a solar installation company in Jefferson City and one of the Plaintiffs in the suit. "These policies are working in 28 other states, and there's no reason it can't work well in Missouri too."

The suit names four Missouri governmental Defendants: the Missouri Joint Committee on Administrative Rules and its members ("JCAR"), Secretary of State Jason Kander, the Missouri Public Service Commission ("PSC"), and Governor Jay Nixon. Plaintiffs are the Missouri Coalition for the Environment, Missouri Solar Applications, and Thomas J. Sager.

The suit contends that the Secretary of State should have published the full rules sent to it by the Public Service Commission, and should not have left out two key paragraphs that JCAR voted to disapprove in 2010. Plaintiffs contend that JCAR lacked the authority to interfere with the publication of the Public Service Commission's rules. "JCAR's action was not only unconstitutional, it was also an infringement on a state agency's ability to have its own rules published, as well as an infringement on the people's right to enact legislation by initiative petition," said Heather Navarro of Missouri Coalition for the Environment. Her organization was a plaintiff in a similar suit that culminated with a 1997 Missouri Supreme Court ruling holding that JCAR can't block the publication of state agency rules.

“Missouri voters voted overwhelmingly for renewable energy in Missouri,” said plaintiff Tom Sager. “Missouri legislators, against the will of the voters, seek to illegally obstruct the development of renewable energy in Missouri. This obstructionism cannot be tolerated.”

“JCAR violated the Missouri Constitution when it removed these provisions,” said Henry Robertson, a Great Rivers attorney representing the plaintiffs. “The Secretary of State and Public Service Commission signed off on JCAR’s unconstitutional action. The missing provisions must be reinserted into the law according to the will of the people.”

In their lawsuit, plaintiffs ask the court to declare JCAR’s removal of the provisions illegal and restore the law as written and passed by Missouri voters.

*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](http://www.greatriverslaw.org).*