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Hours after Missouri Supreme Court Rules, Citizens' Group Files Motion to Compel Missouri Public Service Commission to Order Empire District Electric Company to Offer Solar Rebates

On February 10, 2015, the Missouri Supreme Court ruled in favor of Renew Missouri, confirming that Joplin-based utility Empire District Electric Company must begin offering solar rebates to all its Southwest Missouri customers. In a final mandate released April 2, 2015, the Missouri Supreme Court sent the case back to the Public Service Commission ("PSC"). Within hours, Great Rivers Environmental Law Center, on behalf of Renew Missouri, a nonprofit clean energy advocacy group, filed a Motion to Compel in the PSC. In the motion, Renew Missouri asked the PSC to order Empire to file an official tariff to offer solar rebates by April 15th.

On March 31, the Missouri Supreme Court denied a Motion for Rehearing from Empire reaffirming the Court's February 10th ruling, which found that a law exempting Empire from solar requirements was unconstitutional and illegally passed. For five years, solar advocates Renew Missouri and Missouri Coalition for the Environment (MCE) have been battling that law, while represented by Great Rivers Environmental Law Center.

"This marks the end of any legal questions about whether Empire is required by law to offer solar rebates," said PJ Wilson, Director of Renew Missouri, "and our hope is that Empire responds by immediately offering rebates. Empire's customers have been waiting since January of 2010, the date Empire was required by law to start offering solar rebates."

"Empire tried to get out of obeying part of the law," said Great Rivers' attorney Henry Robertson. "The Supreme Court told the legislators they can't amend a law that hasn't been passed yet."

The case revolves around an initiative petition known as Proposition C (or Missouri's "Renewable Energy Standard"), which requires utilities to acquire 15% of their electricity from renewables by 2021 and offer rebates to customers wishing to install solar power. Missourians voted overwhelmingly to approve the initiative, including a majority of Empire's own customers in every county of their service territory. But in May of 2008, in the last days of the session, Legislators adopted House Bill 1181, which purported to preemptively exempt Empire from all future solar requirements that could be enacted. The Missouri Supreme Court settled the issue about whether legislators can do that.

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. Its web address is: www.renewmo.org.

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.