

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

EARTH ISLAND INSTITUTE d/b/a)	
RENEW MISSOURI, et al.,)	
)	
Complainants,)	
)	
v.)	Case No. EC-2013-0377
)	
UNION ELECTRIC COMPANY d/b/a)	
AMEREN MISSOURI,)	
)	
Respondent.)	

EARTH ISLAND INSTITUTE d/b/a)	
RENEW MISSOURI, et al.,)	
)	
Complainants,)	
)	
v.)	Case No. EC-2013-0378
)	
THE EMPIRE DISTRICT ELECTRIC)	
COMPANY,)	
)	
Respondent.)	

**JOINT MOTION TO MODIFY PROCEDURAL SCHEDULE
AND
JOINT MOTION FOR EXPEDITED TREATMENT**

Under authority of, and in accordance with, 4 CSR 240-2.080 and 4 CSR 240-2.090, and for good cause shown, The Empire District Electric Company, Union Electric Company d/b/a Ameren Missouri, Earth Island Institute d/b/a Renew Missouri, the Missouri Coalition for the Environment, the Missouri Solar Energy Industries Association, Wind on the Wires, The Alternative Energy Company, LLC, StraightUp Solar, and Missouri Solar Applications (hereafter collectively “Joint Movants”), through their undersigned attorneys, hereby move the Missouri Public Service Commission (“Commission”) for an order modifying the procedural schedule previously approved for the above-captioned cases. In addition, because a quick decision on the motion to modify the current procedural schedule is critical to the orderly and timely processing of those cases, the Joint Movants further move for expedited consideration of the

motion to modify the current procedural schedule. The Joint Movants state the following in support of their motions:

1. On April 9, 2013, the Commission issued its *Order Consolidating Cases*, which consolidated Case Nos. EC-2013-0377 and EC-2013-0378, and also its *Order Adopting Procedural Schedule*, which adopted a procedural schedule for the consolidated cases. Critical filing dates established by the *Order Adopting Procedural Schedule* included the following:

Complainants' Direct Testimony	May 28, 2013
Respondents' Rebuttal Testimony	July 9, 2013
Dispositive Motions	July 23, 2013
Answers to Dispositive Motions	August 9, 2013
Complainants' Surrebuttal Testimony	August 30, 2013
Evidentiary Hearings	September 19-20, 2013

2. Following the filing of complainants' direct testimony on May 28, 2013, the Joint Movants commenced discussions regarding possible changes to the procedural schedule that would change the focus of that schedule, at least initially, from testimony and evidentiary hearings to resolving the purely legal issues underlying each of the counts in the two complaints. Those legal issues include, but are not necessarily limited to, the following: (i) the meaning of the phrase "hydropower . . . that has a nameplate rating of ten megawatts or less" in Section 393.1025(5), RSMo; (ii) the meaning of the phrase "[a]n unused [renewable energy] credit may exist for up to three years from the date of its creation" in Section 393.1030.2, RSMo; (iii) the meaning of language in Section 393.1030.1, RSMo, that governs the use of renewable energy credits from sources that do not deliver power to Missouri to comply the portfolio requirements of Missouri's Renewable Energy Standard ("RES"); and (iv) the lawfulness of the exemption from the solar energy requirements of the RES provided by Section 393.1050, RSMo.

3. To effectuate the change in focus referenced in the preceding paragraph, the Joint Movants have developed the following revised procedural schedule, which they propose the Commission adopt for the consolidated cases:

Dispositive Motions	July 23, 2013
Answers to Dispositive Motions	August 16, 2013
Replies to Dispositive Motion Answers	August 30, 2013

Under Joint Movants' proposal, the Commission would also schedule oral argument of the dispositive motions, which would be held as soon as practicable following the August 30th filing of the replies to those motions. The Joint Movants further propose that the balance of the current procedural schedule in the consolidated cases be suspended until the Commission issues a ruling on the dispositive motions. Following such a ruling, the parties will know what issues, if any, remain in each of the two complaint cases and what testimony and other evidence would be required to address those issues. A prehearing conference among the parties can then be convened to establish the balance of the modified procedural schedule.

4. Prior to the filing of this motion, Joint Movants consulted with the other parties to the consolidated cases – the Commission Staff, the Office of the Public Counsel, and the Missouri Industrial Energy Consumers – and each of those parties has authorized the Joint Movants to represent to the Commission that those parties do not object to the changes to the procedural schedule that are proposed in this motion.

5. Because the current procedural schedule requires respondents to file rebuttal testimony on July 9, 2013, there is a need for the Commission to expedite its consideration of this motion. If the Commission grants the motion, the parties can re-focus their efforts toward resolution of the legal issues that underlie the consolidated complaints through dispositive motions. If the Commission denies the motion, the parties can move forward with the testimony filings prescribed in the current schedule. Because time is of the essence, good cause exists for the Commission to grant the request for expedited treatment. And also because no party objects to the changes to the procedural schedule proposed by the Joint Movants, expedited treatment of the motion to modify the procedural schedule should not impose an undue burden on the Commission. Consequently, Joint Movants request the Commission to issue a decision on the pending motions by July 5, 2013, if possible.

WHEREFORE, for all of the reasons stated above, Joint Movants ask the Commission to grant the motion to revise the procedural schedule in consolidated Case Nos. EC-2013-0377 and EC-2013-

0378, to grant the request for expedited treatment of that motion, and to further grant Joint Movants such other relief as the Commission deems appropriate.

Respectfully submitted,

/s/ Wendy K. Tatro

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APPLICATIONS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served, via e-mail, on counsel for each of party of record on the 28th day of June, 2013.

/s/ L. Russell Mitten