

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

EARTH ISLAND INSTITUTE D/B/A)
RENEW MISSOURI, ET AL.)

COMPLAINANTS,)

v.)

File No. EC-2013-0377

UNION ELECTRIC COMPANY D/B/A)
AMEREN MISSOURI,)

RESPONDENT.)

NOTICE OF DISMISSAL OF COUNTS I AND II

COMES NOW, Earth Island Institute, d/b/a Renew Missouri (“Renew Missouri”), Missouri Coalition for the Environment, The Missouri Solar Energy Industries Association (“MOSEIA”), Wind on the Wires, Missouri Solar Applications, LLC, The Alternative Energy Company, LLC, and StraightUp Solar (collectively the “Complainants”), by and through counsel, and for their *Notice of Dismissal of Counts I and II*, state as follows:

1. On January 30, 2013 Complainants filed with the Missouri Public Service Commission (“the Commission”) their Formal Complaint against Union Electric, d/b/a Ameren Missouri (Ameren Missouri) for the utility’s failure to comply with Missouri’s Renewable Energy Standard law (“RES”), now codified as §§393.1020-1035, RSMo.

2. On November 11, 2013 the parties to case no. ET-2014-0085 agreed to and filed a Non-Unanimous Stipulation and Agreement in in order to resolve all issues connected with Ameren Missouri’s application for authority to suspend payment of solar rebates. Among other provisions, the parties agreed to the following: (emphasis added)

h. When adjusting downward the proportion of renewable energy resources pursuant to rule 4 CSR 240-20.100(5)(D), Ameren Missouri agrees to give first

priority to reducing or eliminating the amount of renewable energy credits ("RECs") unassociated with electricity delivered to Missouri customers. Furthermore, in support of the immediately preceding sentence, Ameren Missouri agrees to cooperate in implementing a rule establishing priority for reduction or elimination of RECs and SRECs unassociated with electricity delivered to Missouri customers when a utility has reached the 1% retail rate limit and must adjust downward their renewable energy resources pursuant to 4 CSR 240-20.100(5)(D), and in place of such RECs or SRECs establishes a preference for utility-owned renewable energy resources, followed by RECs or SRECs associated with electricity delivered to Missouri customers, followed by RECS or SRECs not associated with electricity delivered to Missouri customers. Also in support of the first sentence of this subparagraph h, Ameren Missouri agrees, where it is prudent to do so, to make a good-faith effort to utilize only RECs or SRECs associated with electricity delivered to Missouri customers when it retires RECs or SRECs. *Renew Missouri agrees to dismiss with prejudice Counts I and II of Renew Missouri's Complaints in Case Nos. EC-2013-0377 and EC-2013-0378 and, with respect to Count III of the Complaint in Case No. EC-2013-0377, Renew Missouri agrees that it will not appeal any Commission order adverse to Renew Missouri on Count III in Case No. EC-2013-0377.*

3. On November 13, 2013, the Commission issued an Order approving the Stipulation and Agreement in case no. ET-2014-0085 in its entirety.

4. Commission Rule 4 CSR 240-2.116 provides in relevant part as follows:

(1) An Applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filling a notice of dismissal with the commission and serving a copy on all parties. Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the commission, or by written consent of the adverse parties.

5. Pursuant to the above-quoted language in the approved Stipulation and Agreement in case no. ET-2014-0085 and the above-quoted language of rule 4 CSR 240-2.116(1), Complainants agree to dismiss with prejudice its case against respondent Ameren Missouri, only with respect to Count I (Hydropower) and Count II (Pre-Compliance Era RECs). However, Complainants do not agree to dismiss Count III (Unbundled RECs) in this case. For this reason, a final Commission decision is still needed in this case with respect to Count III.

6. Below, Respondent Ameren Missouri provides its written consent to Complainants' Notice of Dismissal of Counts I and II, pursuant to Rule 4 CSR 240-2.116(1).

WHEREFORE, pursuant to Commission Rule 4 CSR 240-2.116(1) and the language of the Non-Unanimous Stipulation and Agreement approved in case no. ET-2014-0085, Complainants dismiss this case with prejudice only with respect to Counts I and II; Complainants do not dismiss this case with respect to Count III and instead request that the Commission proceed with a final Order based on the evidence in the record in this case.

Respectfully Submitted,

/s/

Andrew J. Linhares, # 63973

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been electronically mailed to all parties of record on this 15th day of November, 2013.

/s/ Andrew J. Linhares
Andrew J. Linhares