

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

| | | |
|------------------------------|---|----------------------------------|
| EARTH ISLAND INSTITUTE d/b/a |) | |
| RENEW MISSOURI, et al., |) | |
| |) | |
| Complainants, |) | |
| |) | |
| v. |) | Case No. EC-2013-0382 |
| |) | [Consolidated with EC-2013-0379] |
| THE EMPIRE DISTRICT ELECTRIC |) | |
| COMPANY, |) | |
| |) | |
| Respondent. |) | |

THE EMPIRE DISTRICT ELECTRIC COMPANY’S
MOTION FOR SUMMARY DETERMINATION

COMES NOW Respondent The Empire District Electric Company (“Empire” or “Respondent”), by and through counsel, pursuant to Missouri Public Service Commission (“Commission”) Rule 4 CSR 240-2.117(1), and for its Motion for Summary Determination, states that:

There is no genuine dispute as to the following material facts:

1. Respondent is an electrical corporation and public utility within the meaning of §386.020 RSMo and engaged in the business of the manufacture, transmission and distribution of electricity subject to the regulatory jurisdiction of the Commission as provided by law.¹

2. Pursuant to its authority under §393.1030.2 RSMo, the Commission promulgated 4 CSR-240-20.100.²

¹ Complaint, ¶6. Answer ¶6.

² Complaint ¶14. Answer ¶14.

2. Respondent filed its 2012 Annual Renewable Energy Standard Compliance Plan (“Plan”) with the Commission on or about April 11, 2012.³

3. The Commission docketed the filing of the Plan as Case No. EO-2012-0336.⁴

4. The planning interval covered by the Plan includes the years 2012, 2013 and 2014.⁵

5. The Plan filed by Respondent does not include a comparison of the rate impact of renewable and non-renewable energy resources.⁶

6. Subsection (5)(B) of Commission rule 4 CSR 240-20.100 exempts an electrical corporation from making a detailed retail rate impact calculation and from including that calculation as part of its RES Compliance Plan filing if it does not propose to add incremental renewable energy resource generation directly attributable to RES compliance through the procurement or development of renewable energy resources.⁷

7. The Plan states that Respondent “will fully meet the RES Compliance requirements for 2012, 2013 and 2014 with its current purchased power contracts and hydroelectric facility.”⁸

8. Respondent does not propose to add incremental renewable energy resource generation attributable to RES compliance through the procurement or development of renewable energy resources during the planning interval covered by the Plan.⁹

³ Exhibit A attached hereto; *See also*, Affidavit of Timothy N. Wilson attached hereto as Exhibit B, ¶5.

⁴ *See*, Order Directing Notice and Setting Filing Deadline, attached hereto as Exhibit C.

⁵ Exhibit B, ¶5.

⁶ Exhibit B, ¶6

⁷ Exhibit B, ¶4.

⁸ Exhibit A, p. 6; Exhibit B, ¶5.

⁹ Exhibit B, ¶5.

Attached hereto is a Legal Memorandum explaining why summary determination should be granted in favor of Empire based on these undisputed material facts.

For purposes of this motion, Empire requests that the Commission take administrative notice of the Plan Respondent filed in Case No. EO-2012-0336 in accordance with Commission rule 4 CSR 240-2.130(2) and of the Commission's Order Directing Notice and Setting Filing Deadline, copies of which are attached hereto as Exhibits A and C, respectively, for the Commission's convenience, but which are matters of public record and available on the Commission's Electronic Filing and Information Service (EFIS).

WHEREFORE, for the reasons set forth in the attached supporting Memorandum of Law, Empire requests that the Commission grant summary determination in favor of Empire and dismiss the Complaint against Empire with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was sent by electronic transmission to the following counsel of record on this 23rd day of August, 2013.

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