

In the Matter of Empire District Electric)
Company's Submission of its 2013 Renewable) File No. EO-2013-0458
Energy Standard Compliance Plan

Pursuant to 4 CSR 240-20.100(7)E), Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”) offers the following comments on Empire District Electric Company’s (“Empire”) 2012 Renewable Energy Standard (“RES”) Compliance Report:

- The Commission’s regulation does not specify what, if any, action the Commission is to take regarding Empire’s compliance report and [2012-2014] plan and any alleged deficiencies in that report and plan, except to allow the Commission to “establish a procedural schedule if necessary. [4 CSR 240-20.100(7)F)] After considering the submitted comments, the Commission concludes that no further order from the Commission is appropriate at this time.... If the organizations that submitted comments, or anyone else, wants to further pursue their contention that Empire has failed to comply with the requirements of the renewable energy statute or the Commission’s implementing regulations, they

may do so by filing a complaint pursuant to Section 4 CSR 240-20.100(8)(A) and the statutes and regulations governing complaints before the Commission.

5. Accordingly, Renew Missouri files these comments today simply to reiterate the concerns it has raised in other dockets relating to Empire's annual RES Compliance Plans and RES Compliance Reports (EO-2011-0276; EO-2012-0336) and to restate that Empire continues to be non-compliant with the RES statute for the reasons stated in previous comments.\

6. In addition, on January 30, 2013, Renew Missouri and a number of other interested parties filed a Formal Complaint against Empire for its failure to comply with the Missouri RES for calendar year 2011. That complaint is currently before the Commission in Case No. EC-2013-0378 (consolidated into Case No. EC-2013-0377). The issues raised in Renew Missouri's previous comments are thoroughly aired in the Complaint. Furthermore, all substantive reasons behind Empire's non-compliance in 2011 remain the same for calendar year 2012.

Respectfully Submitted,

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