

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

EARTH ISLAND INSTITUTE d/b/a)
RENEW MISSOURI, et al.,)

Complainants,)

v.)

THE EMPIRE DISTRICT ELECTRIC)
COMPANY,)

Respondent.)

Case No. EC-2013-0378

EMPIRE’S RESPONSE TO RENEW MISSOURI’S MOTION TO COMPEL

COMES NOW The Empire District Electric Company (“Empire”), by and through counsel, and, pursuant to the *Order Establishing Time to Respond to Motion to Compel Filing of Tariff Sheets*, issued herein on April 6, 2015, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. With its Motion to Compel, Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”) noted that Empire must have a Commission-approved solar rebate tariff before it may offer solar rebates. Renew Missouri further stated that there are no remaining contested issues in this complaint proceeding, that no prehearing conference is necessary to discuss scheduling, and that the only step that remains to be taken is for Empire to file a solar rebate tariff.
2. Empire has no objection to this complaint proceeding being closed, and Empire has no objection to being directed by this Commission to initiate a new proceeding with the filing of a proposed solar rebate tariff, as Empire would submit a proposed solar rebate tariff without a Commission order. The issue, however, is one of timing. Empire filed its

Request for Prehearing Conference in an effort to expedite its tariff filing process and work with the parties on a mutually agreeable timetable.

3. Empire cannot have a solar tariff filed with the Commission by April 15, 2015, as requested by Renew Missouri in its Motion to Compel. In conjunction with drafting the solar rebate tariff sheets, Empire must interpret the “retail rate impact” provision of 4 CSR 240-20.100 and reach an understanding regarding calculation of the 1% cap, particularly in light of the Commission’s pending rule changes. Empire must also have time to determine the best way – for both Empire and its ratepayers – to obtain cost recovery. Pursuant to RSMo. §393.1030.2(4), the Commission must allow Empire to timely recover costs prudently incurred pursuant to §393.1030, and this includes solar rebate payments.
4. Empire believes it would be possible to submit a proposed solar rebate tariff by April 30, 2015.

WHEREFORE, Empire respectfully submits this response to Renew Missouri’s Motion to Compel, consents to the dismissal of this complaint proceeding, and consents to the Commission directing the Company to file a proposed solar rebate tariff in due course. Empire requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed in EFIS and that a copy of the same was sent via electronic mail on this 8th day of April, 2015, to all counsel of record.

/s/ Diana C. Carter