

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

EARTH ISLAND INSTITUTE D/B/A)	
RENEW MISSOURI, ET AL.)	
)	
COMPLAINANTS,)	
)	
v.)	<u>File No. EC-2013-0378</u>
)	
THE EMPIRE DISTRICT ELECTRIC)	
COMPANY,)	
)	
RESPONDENT.)	

REVISED 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 The Empire District Electric Company (“Empire”) 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 the application of Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) for authority to suspend payment of solar rebates. Among other provisions, the parties agreed to the following:

- a. “(h) ... 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...”

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 its case against Respondent Empire, only with respect to
Count I (Hydropower) and Count II (Pre-Compliance Era RECs). However, Complainants do not
agree to dismiss Count III (Solar Exemption) in this case. For this reason, a final Commission
decision is still needed in this case with respect to Count III.

6. Respondent Empire intends to provide 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 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/

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ATTORNEY FOR COMPLAINANTS

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 18th day of November, 2013.

/s/ Andrew J. Linhares

Andrew J. Linhares