

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

|                              |   |                       |
|------------------------------|---|-----------------------|
| EARTH ISLAND INSTITUTE d/b/a | ) |                       |
| RENEW MISSOURI, et al.,      | ) |                       |
|                              | ) |                       |
| Complainants,                | ) |                       |
|                              | ) |                       |
| v.                           | ) | Case No. EC-2013-0378 |
|                              | ) |                       |
| THE EMPIRE DISTRICT ELECTRIC | ) |                       |
| COMPANY,                     | ) |                       |
|                              | ) |                       |
| Respondent.                  | ) |                       |

**CONSENT TO DISMISSAL OF COUNTS I AND II**

In accordance with 4 CSR 240-2.116(1), Respondent, The Empire District Electric Company, through its undersigned attorneys, hereby consents to the dismissal with prejudice of Counts I and II of the complaint filed in the above-captioned case, as proposed in the joint *Notice of Dismissal of Counts I and II* and the *Revised Notice of Dismissal of Counts I and II* filed by Complainants Earth Island Institute, d/b/a Renew Missouri; the Missouri Coalition for the Environment; The Missouri Solar Energy Industries Association; Wind on the Wires; Missouri Solar Applications, LLC; The Alternative Energy Company, LLC; and StraightUp Solar.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By:

/s/ L. Russell Mitten  
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ATTORNEYS FOR THE EMPIRE DISTRICT  
ELECTRIC COMPANY

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served, via e-mail, on counsel for each of parties of record on the 19<sup>th</sup> day of November, 2013.

/s/ L. Russell Mitten