



Environmental Law Center
Lawyers for the Environment

319 No. Fourth St., Ste. 800
St. Louis, MO 63102
(314) 231-4181; facsimile (314) 231-4184
www.greatriverslaw.org

**For more information contact:
Henry Robertson, Great Rivers
314-231-4181**



Missouri Coalition for the Environment
EFFECTIVE CITIZEN ACTION SINCE 1969

3115 So. Grand Blvd., Ste. 650
St. Louis, MO 63118
(314) 727-0600; facsimile (314) 727-1665
www.moenvironment.org

**Heather Navarro, MCE
314-727-0600 ext. 10**

November 14, 2016

**CITIZENS' BATTLE AGAINST OBSTRUCTION OF STATE RENEWABLE
ENERGY LAW WILL HAVE ITS DAY IN COURT**
Missouri Supreme Court Will Hear Case November 16, 2016

On November 16, 2016, Great Rivers Environmental Law Center will argue a case in the Missouri Supreme Court that is crucial to the proper implementation of the state's Renewable Energy Standard law, passed by voters in the 2008 election as Proposition C. On behalf of the Missouri Coalition for the Environment (MCE), Missouri Solar Applications and taxpayer Thomas Sager, Great Rivers challenged the action of the Joint Committee on Administrative Rules (JCAR), a standing committee of the Missouri legislature, for interfering with the rule passed by the Missouri Public Service Commission (PSC) to enforce the law.

The renewable energy law requires the state's investor-owned utilities, including Ameren Missouri, Kansas City Power & Light, and Empire District Electric Company, to ramp up their use of renewable energy to at least 15% of the power they sell to their Missouri customers by 2021. JCAR struck down two key provisions of the regulation, with the result that utilities are not required to provide renewable energy but can instead buy pieces of paper called "renewable energy credits" from solar and wind projects in faraway places like California or Canada.

"JCAR violated the Missouri Constitution when it removed these provisions," said Henry Robertson, a Great Rivers attorney representing the plaintiffs. "Our government is one of separate powers. The legislature, or in this case the people, makes the law; executive agencies like the PSC enforce it. JCAR doesn't have the expertise to second-guess the PSC in a way that nullifies the people's will."

"It's a critical issue because if utilities aren't required to deliver renewable energy to Missouri, the law is largely meaningless. Missouri isn't getting new jobs or the new renewable energy that should be built here," said Vaughn Probst of Missouri Solar Applications, a solar installation company in Jefferson City and one of the Plaintiffs in the suit. "These policies are working in 28 other states, and there's no reason it can't work in Missouri too."

The suit asks the Supreme Court to order the Secretary of State to publish the full rules sent to it by the Public Service Commission, including two key paragraphs that JCAR voted to disapprove in 2010. Plaintiffs contend that JCAR lacked the authority to interfere with the publication of the Public Service Commission's rules. "JCAR's action was not only unconstitutional, it was also an infringement on a state agency's ability to have its own rules

published, as well as an infringement on the people's right to enact legislation by initiative petition," said Heather Navarro of Missouri Coalition for the Environment. Her organization was a plaintiff in a similar suit that culminated with a 1997 Missouri Supreme Court ruling holding that JCAR can't block the publication of state agency rules.

"Missouri voters voted overwhelmingly for renewable energy," said plaintiff Tom Sager. "Missouri legislators are stuck in the past. They're making us pay other states for the jobs and the clean energy that we're missing out on."

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to protect the environment and public health. Its web address is: www.greatriverslaw.org.

The Missouri Coalition for the Environment, a nonprofit, nonpartisan, 501(c)(3) state-level conservation organization, is a force for clean air, clean water and clean energy in Missouri. Since 1969 it has educated and activated Missourians to protect the land we all love. Its web address is: www.moenvironment.org.