



Environmental Law Center  
*Lawyers for the Environment*

319 N. Fourth St., Ste. 800  
St. Louis, MO 63102  
(314) 231-4181; facsimile (314) 231-4184  
[www.greatriverslaw.org](http://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 S. Grand Blvd., Ste. 650  
St. Louis, MO 63118  
(314) 727-0600; facsimile (314) 727-1665  
[www.moenvironment.org](http://www.moenvironment.org)

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

April 26, 2017

## **MISSOURI SUPREME COURT LETS STAND OBSTRUCTION OF STATE RENEWABLE ENERGY LAW**

On April 25, 2017, the Missouri Supreme Court refused an opportunity to enforce the state's Renewable Energy Standard (RES), passed by voters in the 2008 election as Proposition C. Great Rivers Environmental Law Center had brought suit 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 implement the law.

The RES requires the state's investor-owned utilities (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 the "geographic sourcing" provisions of the regulation, with the result that utilities are not required to actually deliver renewable energy to Missouri but can instead buy pieces of paper called "renewable energy credits" from solar and wind projects in faraway places like California.

The Missouri Supreme Court held the case was moot because the Public Service Commission had published a new rule in the intervening years. The issue of JCAR acting unconstitutionally in striking key provisions is left undecided.

"The legislature took geographic sourcing out of the rule. The PSC never thought it could put it back in," said Henry Robertson, a Great Rivers attorney representing the plaintiffs. "JCAR violated the separation of powers under the Missouri Constitution by interfering with a rule passed by an executive branch agency. The new rule perpetuated this unconstitutional act; it did not make it go away."

"The decision was disappointing because it undermined the will of the people and the democratic process," said Heather Navarro, Executive Director of MCE. "Luckily, the cost of renewable energy has come down so much that this decision won't deter the growth and success of renewables, including the addition of thousands of jobs, that we've seen over the last few years."

"The legislature has a long history of thwarting the vote of the people when they pass laws by ballot initiative," said Robertson. "The Supreme Court missed a chance to redress this.

Fortunately, renewable energy is here to stay even if the legislature and the utilities try to hold back the tide”

*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](http://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](http://www.moenvironment.org).*