

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

In the Matter of the Application of Union Electric	)	
Company d/b/a Ameren Missouri for Permission and	)	
Approval and a Certificate of Public Convenience and	)	
Necessity Authorizing it to Construct, Install, Own,	)	File No. EA-2012-0281
Operate, Maintain and Otherwise Control and Manage	)	
A Utility Waste Landfill and Related Facilities at its	)	
Labadie Energy Center	)	

**MOTION OF INTERVENORS LABADIE ENVIRONMENTAL ORGANIZATION and  
SIERRA CLUB TO RESCHEDULE THE EVIDENTIARY HEARING**

Intervenors Labadie Environmental Organization (LEO) and Sierra Club respectfully request that the evidentiary hearing in this matter be reset for the week of November 11, 2013. Intervenors request this schedule change in light of the voluminous testimony and supporting schedules filed just a month before the hearing date.

1. The Commission initially scheduled the evidentiary hearing in this matter for September 23-25, 2013.

2. On August 1, Ameren moved for an extension of the deadline to file surrebuttal testimony and to reschedule the evidentiary hearing to October 15-17, 2013, based upon its desire to respond to testimony presented at local public hearings held on June 25 and July 10. On August 14, the Commission granted Ameren's motion to reschedule the hearing date.

3. Although Ameren bears the burden of proof as the applicant in this proceeding, its direct testimony, filed on April 26, consisted solely of one witness's seven-page statement and no supporting exhibits. (It referred to three exhibits filed with the application.)

4. On September 13, Ameren filed surrebuttal testimony of five witnesses, four of whom had not previously filed testimony in this case. The four new witnesses each testified regarding technical subjects such as the toxicity of coal ash, the hydrogeologic features of the proposed UWL site, the adequacy of Ameren's safety measures in light of the proposed site's location, and the history of Ameren's coal-ash disposal operations in Illinois.

5. In addition, the 24-page surrebuttal testimony of the only repeat witness, Craig Giesmann, contains a brand new set of cost data regarding alternatives and refers to 23 schedules.

6. Now the Intervenor is similarly faced with a large body of testimony, data, and other information that Ameren waited to introduce as surrebuttal testimony, five months after filing its direct testimony and only a month before the scheduled hearing. In light of this, Intervenor requests that the evidentiary hearing be moved forward by a few weeks to give them adequate time to prepare so that they can present the Commission with full and complete information regarding the issues.

7. Intervenor has checked the Commission's calendar and the first available dates after the week of October 14 appear to be November 12-14, 2013.

8. Ameren has attempted to present the Commission with a deadline for ruling on its application; Ameren's application (§13) requested a ruling "in no event later than December 31, 2013," amended to January 31, 2014 in its August 1 motion to reschedule the hearing.

9. The sense of urgency that Ameren has attempted to create regarding the resolution of this matter is entirely of its own creation. Ameren commenced purchasing the land for the proposed Labadie landfill in 2007, commenced the Department of Natural Resources landfill permitting process in 2008, notified the public of its Labadie landfill proposal in 2009, and

presented draft zoning amendments to Franklin County in 2010. Its 2009 list of approvals needed for the proposed landfill identified the Department of Natural Resources, Franklin County, and the U.S. Army Corps of Engineers – but not the Public Service Commission. It waited until January 2013 to file its Application for Certificate of Public Convenience and Necessity. One additional month to enable Intervenors to respond to the tremendous amount of newly-filed testimony and exhibits should not have a material impact on its plans.

10. The Office of Public Counsel does not object to this proposed rescheduling of the evidentiary hearing. The Staff indicated that it would support the motion only if all parties agreed. Ameren has not yet responded to Intervenors' inquiry.

WHEREFORE Intervenors request that the Commission move the evidentiary hearing from its present date on October 15-17, 2013 and reset it on November 12-14, 2013.

LABADIE ENVIRONMENTAL ORGANIZATION  
SIERRA CLUB

By: /s/ Elizabeth J. Hubertz

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September 19, 2013

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was sent via email on September 19, 2013, to all parties of record.

/s/ Elizabeth J. Hubertz