

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.)

MDNR on August 7, 2013, and was included as Schedule CJG-23 to the Surrebuttal Testimony of Ameren Missouri witness Craig J. Giesmann.

3. After submission of the revised CPA on August 7, 2013, the next significant step in MDNR's review and approval process is for MDNR to obtain verification (pursuant to section 260.003, RSMo.) from the local jurisdiction (here, Franklin County) that the person or activity at issue is in compliance with all applicable local zoning, building, and health codes, ordinances, and orders with regard to the person and activity regulated by MDNR.

4. Franklin County has verified such compliance. However, Franklin County also requested, as part of its review pursuant to its local ordinance governing utility waste landfills, that Ameren Missouri modify its groundwater monitoring system by adding six additional groundwater monitoring wells. While Ameren Missouri believes the existing groundwater monitoring network complies with regulatory requirements, Ameren Missouri agreed to install such additional wells.

5. The addition of the wells requires changes to the revised CPA previously submitted to MDNR thereby necessitating the withdrawal and re-submission of the CPA. It should be noted that MDNR already approved the existing groundwater monitoring plan, and is not requiring the addition of these wells.

6. Ameren Missouri has agreed to withdraw its original and as amended CPA and to then resubmit a CPA to include six additional wells as requested by the County. MDNR has indicated that it will then act promptly on the resubmitted CPA, with its review to focus on those elements of the CPA that have been revised.

7. Because parts of the CPA will change from that which is the subject of the pre-filed testimony submitted in this case, and because MDNR's review may extend the date by

which Ameren Missouri originally expected MDNR to act on the CPA (February 7, 2014), Ameren Missouri believes it is appropriate to suspend the current procedural schedule and, after the revised CPA is submitted to DNR, to make revisions to the procedural schedule necessary to address this development. Ameren Missouri recognizes that a revised procedural schedule will need to afford the Commission an appropriate post-evidentiary hearing and post-briefing period to deliberate and render its decision in this case.

8. Ameren Missouri has advised counsel for the other parties to this case of these developments and of its intention to request that the Commission suspend the procedural schedule. All parties (the Staff, the Office of the Public Counsel, Labadie Environmental Organization and Sierra Club) have indicated that they do not oppose the suspension request.²

WHEREFORE, Ameren Missouri requests suspension of the current procedural schedule, pending further filings relating to a revised procedural schedule to address the above-described developments to occur after it has resubmitted the CPA to MDNR, and requests that the Commission grant its unopposed request promptly so that the parties' witnesses can clear their schedules during the week of the currently scheduled evidentiary hearings.

Respectfully submitted,

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² Ameren Missouri has also agreed to postpone the deposition of Intervenor Witness Charles Norris, which was noticed to occur on October 30, 2013. Mr. Norris's deposition will be rescheduled at a later time.

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served via e-mail to the following on October 24, 2013:

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