

**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)	

**INTERVENORS LABADIE ENVIRONMENTAL ORGANIZATION and SIERRA
CLUB’S RESPONSE TO ORDER OF AUGUST 2, 2013**

Intervenors Labadie Environmental Organization (LEO) and Sierra Club offer the following in response to the August 2, 2013 Order directing the parties to respond to Ameren’s proposal to modify the procedural schedule and to propose how the parties should be allowed an opportunity to supply additional foundation for the objected to exhibits.

Intervenors do not object to moving the hearing date and the post-hearing briefing dates as suggested by Ameren Missouri in its Objections and Motion to Strike. Intervenors also propose that the dates for submission of the Statement of Issues, Lists of Witnesses, Order of Cross-Examination, and Statements of Position be moved as well so that they are closer to the new hearing date.

Proposal for Responding to Ameren’s Objections and Motion to Strike

1. Ameren has objected to and moved to strike thirty-four individual documents presented by witnesses at the public hearings on June 25 and July 10, citing concerns with relevancy, authenticity, hearsay and the qualifications of the witnesses. Intervenors plan to oppose these legal arguments in a brief filed with the Commission. According to 4 CSR 240-

2.080(15), Intervenor's brief is due August 12. In light of the breadth of Ameren's Objections, Intervenor respectfully request that they be allowed until August 19 to file their brief with the Commission.

3. Many of the documents addressed by Ameren's Motion to Strike are public documents created by governmental entities. Missouri law provides for the admissibility of such documents upon obtaining certifications from the custodians or makers of the records. Intervenor are in the process of obtaining these certifications for the documents it intends to present, but are not certain that the processes can be completed by August 19, as the timing of the governmental entities' responses are beyond their control. Intervenor thus propose that their August 19 filing contain all certifications that are obtained by that date, and outline their legal arguments for admission of the documents where the certification process is pending. If the Commission decides the issue of admissibility in favor of the Intervenor, then the documents would be conditionally admitted, subject to actually completing the foundational process and providing proof of that fact.

4. Ameren also moves for leave to file surrebuttal testimony on August 30. Because this request is so closely tied to the merits of its Objections and Motion to Strike, Intervenor propose to address it in their August 19 filing.

LABADIE ENVIRONMENTAL ORGANIZATION
SIERRA CLUB

By: /s/ Elizabeth J. Hubertz

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August 7, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was sent via email on August 7, 2013, to all parties of record.

/s/ Elizabeth J. Hubertz