

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 14th day of
August, 2013.

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,)	<u>File No. EA-2012-0281</u>
Operate, Maintain, and Otherwise Control and)	
Manage a Utility Waste Landfill and Related Facilities)	
At its Labadie Energy Center.)	

ORDER REVISING PROCEDURAL SCHEDULE

Issue Date: August 14, 2013

Effective Date: August 14, 2013

The procedural schedule for this case required the parties to pre-file direct testimony on April 26, 2013, rebuttal testimony on May 31, and surrebuttal testimony on June 28. Ameren Missouri filed direct testimony on April 26, but Labadie Environmental Organization (LEO)/Sierra Club did not file rebuttal testimony. As a result, there was nothing for Ameren Missouri to address through surrebuttal testimony. However, additional issues were injected into this case through testimony offered by members of the public at the local public hearings held on June 25 and July 10.

On August 1, Ameren Missouri filed objections to, and a motion to strike, some of the exhibits received into the record at the local public hearings. Along with its objections and motion to strike, Ameren Missouri proposed that the procedural schedule be modified to allow for the filing of surrebuttal testimony to address the issues raised at the local public

hearings. To accommodate that additional testimony, Ameren Missouri proposed that the hearing be delayed by approximately three weeks.

The Commission directed that any party wishing to respond to Ameren Missouri's proposals to modify the procedural schedule do so by August 7. Staff and LEO/Sierra Club responded; neither objected to Ameren Missouri's proposal to delay the evidentiary hearing. LEO/Sierra Club indicated it wanted more time to address the question of whether the Commission should allow the parties another opportunity to file surrebuttal testimony.

On August 13, the parties filed a joint motion to amend the procedural schedule. That motion sets forth revised dates for the evidentiary hearing and related events. It does not, however, indicate agreement among the parties on whether provision should be made for filing of additional surrebuttal testimony.

The Commission is interested in compiling a full and complete record before making a decision in this case. That full and complete record must include the issues raised by the public at the local public hearings, which were not completed until after the date for filing of surrebuttal testimony established at the beginning of this case. The best way to address those issues is through the filing of surrebuttal testimony. The Commission will direct the parties to file surrebuttal testimony and will adopt the other procedural dates agreed to by the parties.

The Commission has identified one specific issue that it will require the parties to address. Testimony at the local public hearings raised the question of whether Ameren Missouri fully studied alternative locations for the disposal of coal ash from the Labadie plant. Staff witness, John Cassidy, attached a copy of a Utility Waste Landfill Feasibility Study, Revised June 8, 2004, to his rebuttal testimony, but testimony at the local public

hearing indicated confusion about whether any other studies had been performed. Therefore, the Commission directs the parties to address the question of whether any other studies, reports, or other documents examining alternative sites, options, or possibilities exist. If any such studies, reports, or other documents are in the possession of any party, that party shall attach such studies, reports, or other documents to its surrebuttal testimony. Of course, the parties are not limited to this single issue and may address other issues in surrebuttal testimony.

THE COMMISSION ORDERS THAT:

1. The procedural schedule is modified as follows:

Ameren Missouri to file Surrebuttal Testimony, All other parties to file Cross-Surrebuttal Testimony	-	September 13, 2013
List of Issues, Order of Witnesses, Order of Cross-Examination, Order of Opening	-	September 30, 2013
Statements of Position	-	October 7, 2013
Hearing	-	October 15, 16 and 17, 2013, beginning each day at 8:30 a.m.
Initial Post-Hearing Briefs	-	November 14, 2013
Reply Post-Hearing Briefs	-	December 10, 2013

All other requirements established in the Commission's March 19, 2013 Order Adopting Procedural Schedule remain in effect.

2. All parties filing surrebuttal testimony shall address the question of whether any other studies, reports, or other documents examining alternative sites, options, or possibilities exist. If any such studies, reports, or other documents are in the possession of

any party, that party shall attach such studies, reports, or other documents to its surrebuttal testimony.

3. This order shall become effective upon issuance.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

R. Kenney, Chm., Jarrett, Stoll, and
W. Kenney, CC., concur.

Woodruff, Chief Regulatory Law Judge