

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 6th day of
March, 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 REGARDING APPLICATION TO INTERVENE

Issue Date: March 6, 2013

Effective Date: March 6, 2013

On January 24, 2013, Union Electric Company, d/b/a Ameren Missouri, filed an application seeking a certificate of convenience and necessity from the Commission to expand the boundaries of its Labadie Energy Center to permit the construction and operation of a utility waste landfill. The proposed landfill is located in Franklin County, Missouri and would be used to store coal combustion products, sometimes referred to as coal ash, generated at the company's existing coal-fired electric power plant, the Labadie Energy Center. Ameren Missouri asked the Commission to approve its application by December 31, 2013, to allow it to begin construction of the landfill in 2014. The Commission directed that notice of the filing be given to potentially interested parties and established February 22 as the deadline for filing an application to intervene. The Commission has also scheduled a prehearing conference for March 11.

Labadie Environmental Organization (LEO) and Sierra Club filed a timely application to intervene on February 22. The application to intervene represents that members of LEO and Sierra Club live in the area immediately adjacent to the Labadie Energy Center and the proposed coal ash landfill. They contend leakage or flooding from the coal ash landfill could contaminate their drinking water and construction and operation of the landfill could reduce their property values.

On March 4, Ameren Missouri filed suggestions opposing LEO and Sierra Club's application to intervene. Ameren Missouri contends the interests that LEO and Sierra Club seek to assert before the Commission are not the public interest the Commission is authorized to consider when deciding whether to grant Ameren Missouri's application for a certificate of convenience and necessity. According to Ameren Missouri, the public interest the Commission may consider is limited to the broader interest of all Ameren Missouri's ratepayers in obtaining safe, adequate, and appropriately priced electric service. Ameren Missouri contends the narrower interests of LEO and Sierra Club in protecting their property values have been properly addressed by local zoning authorities. Furthermore, Ameren Missouri argues LEO and Sierra Club's interests in clean water and protection of the environment are properly addressed by the Missouri Department of Department of Natural Resources, which is currently evaluating Ameren Missouri's request for a construction permit.

Intervention before the Commission is governed by Commission Rule 4 CSR 240-2.075(3), which states:

The Commission may grant a motion to intervene ... if –

- (A) The proposed intervenor ... has an interest which is different from that of the general public and which may be adversely affected by a final order arising from the case; or

(B) Granting the proposed intervention would serve the public interest.

Generally, the Commission has interpreted those intervention standards broadly in the interest of having all positions presented and argued to the Commission. However, the public interest is not served if the parties spend time and resources presenting arguments and positions that the Commission is not authorized to address.

Ameren Missouri's suggestions in opposition to LEO and Sierra Club's application to intervene present numerous arguments about the issues the Commission may consider in deciding whether the company's application for a certificate of convenience and necessity should be granted. The Commission may need to address those arguments and issues when reaching its decision in this case. However, that decision will be made after a full and fair hearing. The Commission's ruling on LEO and Sierra Club's application to intervene is not the proper place to make those broader decisions. The decision before the Commission at this time is much narrower. That decision is simply whether LEO and Sierra Club should be allowed to come before the Commission to fully develop and present their arguments.

The Commission finds that LEO and Sierra Club have an interest in this case that differs from that of the general public in that as close neighbors to the proposed landfill their health and property interests may be adversely affected by the construction and operation of the landfill. Of course, the Commission is not making any determination about any such adverse affects at this time. Rather, the Commission is finding that LEO and Sierra Club should be allowed an opportunity to present their positions to the Commission. The Commission will exercise its discretion to grant LEO and Sierra Club's application to intervene.

THE COMMISSION ORDERS THAT:

1. The Application to Intervene of Labadie Environmental Organization and Sierra Club is granted.
2. This order shall become effective upon issuance.

BY THE COMMISSION



Shelley Brueggemann
Acting Secretary

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

Woodruff, Chief Regulatory Law Judge