

**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
August, 2014.

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 APPLICATIONS FOR RECONSIDERATION

Issue Date: August 6, 2014

Effective Date: August 6, 2014

On July 2, 2014, the Commission issued a report and order that granted Union Electric Company d/b/a Ameren Missouri a certificate of convenience and necessity to expand the boundaries of its existing Labadie Energy Center to allow it to construct and operate a utility waste landfill and related facilities, and to conduct other plant-related operations at the site. That report and order became effective on July 17. On July 16, the Office of the Public Counsel filed a timely motion for reconsideration. Later that day, Labadie Environmental Organization (LEO) and Sierra Club gave notice that they join in that motion. Also on July 16, LEO and Sierra Club filed a separate motion for clarification, reconsideration, or rehearing.

Public Counsel's motion, in which LEO and Sierra Club join, does not question the Commission's decision to grant a certificate of convenience and necessity to Ameren Missouri. Instead, the motion asks the Commission to reconsider its decision to not impose a condition that would require Ameren Missouri to provide evidence of financial

responsibility to remediate damage and contamination caused by the landfill. The Commission already considered the arguments presented in Public Counsel's motion. It has also considered Ameren Missouri's response that highlights its significant financial resources, which were evident in the record (Exhibit No. 107) and shows Ameren Missouri currently has \$13 billion in assets with only approximately \$4.2 billion in liabilities. The Commission finds no reason to reconsider its decision to deny the proposed condition and will deny Public Counsel's motion.

LEO and Sierra Club's motion for reconsideration, clarification, or rehearing also does not challenge the Commission's decision to grant a certificate of convenience and necessity to Ameren Missouri. Rather, LEO and Sierra Club ask the Commission to modify one sentence in one of its findings of fact. Specifically, paragraph 27 of the findings of fact describes the clay and geomembrane liners that are designed to keep the coal ash away from contact with groundwater. LEO and Sierra Club challenge only the last sentence of that paragraph, which states: "This design complies with Missouri Department of Natural Resources (MDNR) and proposed federal environmental regulations."

LEO and Sierra Club point out that MDNR has not yet in fact determined whether the landfill and its liner comply with its regulations. Furthermore, they deny that the liner design actually complies with the proposed federal regulations. Most importantly, they contend that the disputed sentence is unnecessary to the Commission's decision and should be deleted from the report and order.

Ameren Missouri responded to LEO and Sierra Club's motion on July 28. Ameren Missouri agrees that the sentence is not necessary to the Commission's decision. In its place, Ameren Missouri proposes a new sentence describing in more detail the liner's

compliance with county and state regulatory requirements. LEO and Sierra Club responded on July 29, challenging the alternative language proposed by Ameren Missouri.

The Commission agrees with LEO and Sierra Club, and indeed with Ameren Missouri, that the challenged sentence is essentially a legal conclusion that is not necessary to support the Commission's decision. The Commission will delete that sentence from its report and order.

THE COMMISSION ORDERS THAT:

1. The Office of the Public Counsel's Limited Motion for Reconsideration is denied.
2. The motion for reconsideration filed by Labadie Environmental Organization and Sierra Club is granted to the extent that the final sentence of paragraph 27 in the findings of fact section of the report and order is deleted.
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., Stoll, W. Kenney,
Hall, and Rupp, CC., concur.

Woodruff, Chief Regulatory Law Judge