

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th 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 CLARIFYING ORDER REVISING PROCEDURAL SCHEDULE

Issue Date: August 28, 2013

Effective Date: August 28, 2013

On August 14, 2013, the Commission issued an order that revised the procedural schedule for this case. One portion of that order directed the parties to file surrebuttal and cross-surrebuttal testimony. The order also directed the parties to address a specific issue regarding whether the parties possessed any additional studies, reports, or other documents indicating whether Ameren Missouri had fully studied alternative locations for the disposal of coal ash. The order also stated "Of course, the parties are not limited to this single issue and may address other issues in surrebuttal testimony."

On August 22, Union Electric Company d/b/a Ameren Missouri filed a motion for clarification or, alternatively, a motion for reconsideration regarding the August 14 order. The Commission allowed the other parties until August 26 to respond to Ameren Missouri's motion. Labadie Environmental Organization (LEO) and Sierra Club filed a response on August 26.

LEO and Sierra Club correctly point out that the Commission has simply extended the procedural schedule to allow more time for the filing of surrebuttal and cross-surrebuttal testimony that otherwise would have been filed on June 28. Ameren Missouri is concerned that the Commission's order could be interpreted to allow the parties to address additional issues in surrebuttal testimony in violation of the Commission rule that limits surrebuttal testimony to testimony that is responsive to matters raised in another party's rebuttal testimony.¹ However, that was not the Commission's intent.

The Commission will clarify that its order did not waive or modify the requirements of the Commission's rule regarding the filing of surrebuttal testimony. The Commission's rule allows each party to file surrebuttal testimony that is responsive to matters raised in another party's rebuttal testimony. That does not permit any party to submit surrebuttal testimony for the purpose of bolstering or adding to their own case. The Commission will not otherwise restrict the filing of surrebuttal or cross-surrebuttal testimony by any party. As always, if any party files testimony that does not comply with the Commission's rules any other party may challenge that testimony by appropriate means.

THE COMMISSION ORDERS THAT:

1. The Commission's Order Revising Procedural Schedule is clarified as indicated in the body of this order.

¹ Commission Rule 4 CSR 240-2.0130(7)(D).

2. This order shall become effective upon issuance.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Woodruff, Chief Regulatory Law Judge