

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Union Electric Company	)	Case No. ER-2014-0258
d/b/a Ameren Missouri's Tariff to Increase	)	
Its Revenues for Electric Service	)	

**MOTION TO EXPEDITE CONSIDERATION OF  
JOINTLY PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Office of Public Counsel, the Missouri Retailers Association, the Missouri Industrial Energy Consumers and Consumers Council of Missouri, (the "Consumer Parties"), and pursuant to 4 CSR 240-2.080(14) request that the Commission provide expedited treatment of their *Motion to Adopt Jointly Proposed Procedural Schedule*. In support of their motion, the Consumer Parties state as follows:

1. As the Commission and all the parties are aware, an issue concerning rate design in the above-captioned case is what rate structure should be set for industrial aluminum smelter customers ("Customer") of Union Electric Co. d/b/a Ameren Missouri ("Ameren").<sup>1</sup>
2. To provide the Commission with a proposed answer to that issue, on October 10, 2014, the Consumer Parties filed a Nonunanimous Stipulation and Agreement ("Stipulation") agreeing to a rate structure for a Customer when such Customer demonstrates compliance with certain terms and conditions. *See Nonunanimous Stipulation and Agreement*, Case No. ER-2014-0258, Doc. No. 70 (Oct. 10, 2014) ("Stipulation").

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<sup>1</sup> Upon information and belief, there is only one industrial aluminum smelter customer in Ameren's service territory, or in the state of Missouri. It is operated at New Madrid by Noranda Aluminum, Inc. ("Noranda").

3. The Commission received timely objections to the Stipulation which, thereby, rendered the document a mere reflection of the positions of the Consumer Parties as to that issue. 4 CSR 240-2.115(2)(D).

4. For purposes of the instant motion, of particular import within the Stipulation is paragraph (k)(a), which seeks Commission implementation of the Stipulation's proposed rate structure by December 31, 2014. Stipulation at pp. 3-4.

5. On October 15, 2014, the Consumer Parties proposed that the Commission adopt a procedural schedule ("Proposed Schedule") which would permit the Commission to consider the issue presented, and do so consistent with the proposed December 31, 2014 effective date. *See Motion to Adopt Jointly Proposed Procedural Schedule*, Case No. ER-2014-0258, Doc. No. 78 (Oct. 15, 2014).

6. It is vitally important that the Commission consider the issue presented by the Stipulation and set a new rate structure effective on or before December 31, 2014. First, consistent with its representations in Case No. EC-2014-0224, Noranda has begun laying off 125-200 employees, and has suspended certain capital investments in its New Madrid smelter. *See "Noranda announces lay-offs and scale backs in New Madrid," Daily Dunklin Democrat, <http://www.dddnews.com/story/2115058.html>, Sep. 3, 2014 (last accessed Oct. 19, 2014).* Upon information and belief of the Consumer Parties, these lay-offs will foment operational changes at the New Madrid smelter which will make it nearly impossible as a practical matter to return the laid off employees to work at a later date. A decision by the Commission effective on or before December 31, 2014, is essential to the preservation of these jobs. Accordingly, the Proposed Schedule reflects the Consumer Parties' eagerness to do what is necessary and consistent with due process to expedite a full and fair consideration of this issue, preserve up to 200 jobs and

protect the impacted families. The Consumer Parties hope all can agree that if we can save these jobs we should try, even if it means moving with inconvenient speed.<sup>2</sup>

Second, the Consumer Parties entered into the Stipulation in an effort to prevent material rate increases to other Ameren customers and irreparable harm to the Missouri economy. The December 31, 2014, date has import because the Consumer Parties are deeply concerned about the future of the New Madrid smelter with a reduced operating capacity. As such, once the reduction in headcount becomes irrevocable, the equities giving rise to the Stipulation change and the benefits of the agreement to all parties could be lost. A decision after December 31, 2014, needlessly risks material harm not only to Noranda and its workers, but to the other Consumer Parties as well.

7. The Consumer Parties request expedited approval of the Proposed Schedule by October 22, 2014, which would allow the Commission to consider the matter before the proposed direct testimony deadline of October 24, 2014.

8. Granting expedited treatment would have the benefit of allowing the Proposed Schedule to be considered at the October 22, 2014, agenda meeting, and would give the parties needed direction whether the Commission intends to consider the issue consistent with a proposed December 31, 2014 effective date for a new rate structure.

9. The motion is filed promptly after the filing of objections to the Stipulation by several parties, and so, this motion is being filed as soon as it could have been.

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<sup>2</sup> To be sure, ancillary proceedings – if this is one – have been held within rate cases in the past. Moreover, Ameren Missouri has filed a class cost of service study, and so, there is a study available to the parties for use in any necessary proceeding. Ameren does not propose to eliminate any of the class discrepancies shown in its study.

WHEREFORE, the Consumer Parties respectfully request that the Commission issue an order by October 22, 2014, granting the procedural schedule proposed herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed on this 20<sup>th</sup> day of October, 2014 to all parties on the Commission's service list in this case.

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