

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In the Matter of Union Electric)
Company d/b/a AmerenUE for Authori-)
ty to File Tariffs Increasing Rates) ER-2008-0318
for Electric Service Provided to)
Customers in the Company's Missouri)
Service Area.)

MOTION FOR STAY OF COMMISSION ORDER
OF JANUARY 27, 2009 BY NORANDA ALUMINUM, INC.

REQUEST FOR EXPEDITED CONSIDERATION OF MOTION FOR STAY

COMES NOW Intervenor Noranda Aluminum Inc. (Noranda), and moves that the commission stay the effectiveness of its Report and Order of January 27, 2009 issued in this matter and in support thereof states:

1. Noranda incorporates by reference as though fully set forth herein each paragraph of their Application for Rehearing filed in this matter on February 5, 2009.

2. AmerenUE, by filing purported compliance tariff sheets, has indicated its intention to move forward unless prevented from doing so to implement the rate increase awarded by a 3/2 commission majority on January 27, 2009.

3. Aluminum prices have dropped precipitously in the past 4 months to \$0.69/lb (as of December 23, 2008) and have not recovered but have continued to decline further into the .60's. As of December 23, 2008, this represents a 54% drop from the price a few months earlier.

4. In the past few days, power supply to Noranda's New Madrid smelter was interrupted numerous times due to the ice storm in Southeastern Missouri. Although Noranda had full capability to continue 100% production throughout the storm, AmerenUE and Associated Electric's inability to maintain the power supply, and concomitant ability to return power to the smelter in a timely fashion resulted in a loss of 75% of the smelter capacity. The smelter repair will take up to 12 months. Noranda continues to assess damage and the impact on its employees and customers. This outage has a dramatic impact on Noranda and provides even further challenges in an already difficult environment. This environment should not be made even worse by implementing an unjustifiable power rate increase at the same time that Noranda is incurring significant additional costs caused solely by a power outage.

5. As a result of the unprecedented low pricing levels for primary aluminum as established by the London Metal Exchange and the loss of power to its facilities, Noranda is in a precarious position and its operations will be placed at greater risk by the implementation of the unwarranted rate increase awarded AmerenUE. Indeed, Noranda has recently undergone a downward adjustment in its own credit ratings as a result of these events.

6. Noranda has taken unprecedented action to cut costs through productivity initiatives and layoffs of personnel, but increases in the cost of power to the facilities will jeopard-

dize Noranda's efforts to create a sustainable platform for continuing operations in New Madrid.

7. For the reasons stated in Noranda's Application for Rehearing filed concurrently herewith, the commission committed numerous errors of law and fact that result in its January 27, 2009 Report and Order being invalid, void and otherwise a legal nullity.

8. For the aforesaid reasons, the rate increase awarded by a 3/2 commission vote on January 27, 2009 ought to be stayed until judicial review has been obtained and completed so that the interests of customers including Noranda are protected during the interim.

9. Alternatively, given that Noranda represents a single customer that constitutes a single rate class, the implementation of any increase to Rate LTS should be stayed so as to prevent irreparable harm to Noranda and to the region of Missouri in which Noranda operates.

REQUEST FOR EXPEDITED CONSIDERATION

10. Noranda seeks this stay within the limited period of time provided by the commission and has sought relief as soon as possible given that schedule and the size of the Report and Order.

11. Expedited consideration by the commission of this Motion for Stay is requested on the basis that absent such action by the commission, irreparable harm and damage will be caused to ratepayers generally and to Noranda in specific.

WHEREFORE Noranda prays that this Motion for Stay be granted.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

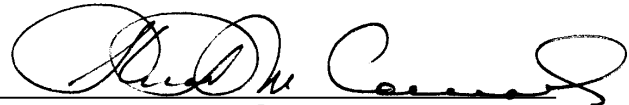


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ATTORNEYS FOR NORANDA ALUMINUM,
INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by electronic means or by U.S. mail, postage prepaid, addressed to all parties by their attorneys of record as disclosed by the pleadings and orders herein.



Stuart W. Conrad

Dated: February 5, 2009