

SMITH LEWIS, LLP

ATTORNEYS AT LAW

P.O. BOX 918
COLUMBIA, MISSOURI 65205-0918

...
CITY CENTRE

111 SOUTH NINTH STREET, SUITE 200
COLUMBIA, MISSOURI 65201-4891

(573) 443-3141 • Fax (573) 442-6686

BRUCE H. BECKETT
WILLIAM JAY POWELL
JOHN L. ROARK
COLLY J. DURLEY
JAMES B. LOWERY
MICHAEL R. TRIPP
PHEBE LA MAR
SARAH E. GIBONEY
AMANDA ALLEN MILLER
RAYMOND C. LEWIS, JR. (1926-2004)

DANIEL G. BECKETT
BETHANY R. FINDLEY
MATTHEW R. QUETSCH

OF COUNSEL
ROBERT C. SMITH

PARALEGAL
CHERYL L. LOBB
DAWN KLEMPKE

LEGAL NURSE CONSULTANT
KAREN ASHRAFZADEH, RN

June 2, 2015

Mr. Morris Woodruff
Secretary of the Commission
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, MO 65203-0360

Hand Delivered

FILED

JUN 2 2015

Re: Case No. ER-2012-0258, Notice of Appeal

Dear Mr. Woodruff:

Missouri Public
Service Commission
11:23 AM MA

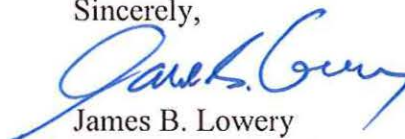
Enclosed for filing please find an original and three copies of a Notice of Appeal, filed with your office pursuant to the provisions of Section 386.510, RSMo. I ask that you mark the notice as having been filed in your office on this date, including the third copy for our file.

Please note that there are two versions of the Company's Application for Rehearing, an NP version and an HC version, both of which are attached to the Notice of Appeal, as required. When transmitting the Notice to the Court of Appeals please ask the Court of Appeals to treat the HC version accordingly.

Also enclosed is our office check in the amount of \$70 to cover the docket fee required by Supreme Court Rule 81.04(d).

Should you have any questions please contact me at the address or telephone number listed above, or via e-mail at the e-mail address listed next to my signature. Thank you for your assistance.

Sincerely,



James B. Lowery
lowery@smithlewis.com

Enclosures

c: Counsel of Record, Case No. ER-2012-0258 (via certified mail, return-receipt requested)
Wendy Tatro

FILED

JUN 2 2015



Missouri Public Service Commission

Missouri Public Service Commission

11:23AM MA

Judge or Division: Regulatory Law Judge Morris Woodruff	Appellate Number:	(Date File Stamp)
Appellant: Union Electric Company d/b/a Ameren Missouri	Missouri Public Service Commission File Number: ER-2014-0258	
Respondent: Public Service Commission of the State of Missouri		

Notice of Appeal

Notice is given that Union Electric Company d/b/a Ameren Missouri appeals to the Missouri Court of Appeals Western Eastern Southern District.

6/2/15
Date Notice of Appeal Filed
(to be filled in by Secretary of Commission)

[Signature]
Signature of Attorney or Appellant

The notice of appeal shall include the appellant's application for rehearing, a copy of the reconciliation required by subsection 4 of section 386.420, a concise statement of the issues being appealed, a full and complete list of the parties to the commission proceeding, and any other information specified by the rules of the court. The appellant(s) must file the original and (2) two copies and pay the docket fee required by court rule to the Secretary of the Commission within the time specified by law. **Please make checks or money orders payable to the Missouri Court of Appeals.** At the same time, Appellant must serve a copy of the Notice of Appeal on attorneys of record of all parties other than appellant(s), and on all parties not represented by an attorney. The commission shall forward the notice of appeal to the appropriate appellate court.

CASE INFORMATION

Appellant Name / Bar Number: James B. Lowery, MO Bar #40503	Respondent's Attorney / Bar Number: Shelley Brueggermann, MO Bar #52173	
Address: Smith Lewis, LLP P.O. Box 918 Columbia, MO 65205-0918	Address: Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102	
Telephone: (573) 443-3141	Fax: (573) 442-6686	
Telephone: (573) 751-7393	Fax: (573) 751-9285	
Date of Commission Decision: April 29, 2015	Date of Application for Rehearing Filed: May 11, 2015	Date Application for Rehearing Ruled On: June 2, 2015

DIRECTIONS TO COMMISSION

A copy of the notice of appeal and the docket fee shall be forwarded to the clerk of the appellate court. Unless otherwise ordered by the court of appeals, the commission shall, within thirty days of the filing of the notice of appeal, certify its record in the case to the court of appeals.

Certificate of Service

I certify that on June 2, 2015 (date), I served a copy of the notice of appeal on the following parties, at the following address(es), by the method of service indicated.

See Civil Case Information Form, attached hereto.

[Signature]
Appellant or Attorney for Appellant

**IN THE MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CIVIL CASE INFORMATION FORM

(This form must be filed with the Notice of Appeal)

List every party involved in the case, indicate the position of the party in the circuit court (e.g., plaintiff, defendant, intervenor) and in the Court of Appeals (e.g., appellant, respondent) and the name of the attorney of record, if any, for each party. Attach additional sheets to identify all parties and attorneys if necessary.

<u>Party</u>	<u>Attorney</u>
Missouri Public Service Commission (Party as a matter of right per statute)	Kevin Thompson Missouri Public Service Commission 200 Madison Street, Suite 800 P.O. Box 360 Jefferson City, MO 65102-0360
Missouri Office of the Public Counsel (Party as a matter of right per statute)	Dustin J. Allison Missouri Office of Public Counsel 200 Madison Street, Suite 650 P.O. Box 2230 Jefferson City, MO 65102-2230
Missouri Department of Economic Development – Division of Energy (Intervenor)	Ollie Green P.O. Box 1157 Jefferson City, MO 65102
MIEC (Intervenor)	Diana M. Vuylsteke Bryan Cave, LLP 211 N. Broadway, Suite 3600 St. Louis, MO 63102
MECG (Intervenor)	David Woodsmall Woodsmall Law Office 308 East High St., Suite 204 Jefferson City, MO 65101
Missouri Retailers Association (Intervenor)	Marc H. Ellinger Blitz, Bardgett & Deutsch, L.C. 308 East High Street, Suite 301 Jefferson City, MO 65101
Consumers Council of Missouri (Intervenor)	John B. Coffman John B. Coffman, LLC 871 Tuxedo Blvd. St. Louis, MO 63119-2044

Sierra Club
(Intervenor)

Henry B. Robertson
Great Rivers Environmental Law Center
705 Olive Street, Suite 614
St. Louis, MO 63101

Sunil Bector
Sierra Club
85 Second St., 2nd Floor
San Francisco, CA 94105

Thomas Cmar
Earthjustice
5042 N. Leavitt St., Suite 1
Chicago, IL 60625

MDNR
(Intervenor)

Sarah Mangelsdorf
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102

Jennifer S. Frazier
Assistant Attorney General
P.O. Box 899
Jefferson City, MO 65102

City of O'Fallon & City of Ballwin

Leland B. Curtis
Curtis, Heinz, Garrett & O'Keefe, P.C.
130 S. Bemiston, Suite 200
St. Louis, MO 63105

IBEW Local 1439
(Intervenor)

Sherrie A. Hall
HAMMOND AND SHINNERS, P.C.
7730 Carondelet Avenue, Suite 200
St. Louis, MO 63105

United for Missouri, Inc.

David C. Linton
314 Romaine Spring View
Fenton, MO 63026

Wal-Mart Stores East, L.P. and Sam's East, Inc.

Rick D. Chamberlain
Behrens, Wheeler & Chamberlain
6 N.E. 63rd St., Suite 400
Oklahoma City, OK 73015

Marcos A. Barbosa
Baker Sterchi Cowden & Rice, LLC
2400 Pershing Road, Suite 500
Kansas City, MO 64018

revenue requirement to Appellant's other customers. The Commission's rulings are unreasonable and unlawful under the applicable standard of review, including because they constitute undue discrimination under section 393.130, RSMo. (2000) and violate the statute authorizing the fuel adjustment clause, section 386.266, RSMo. (Cum. Supp. 2013).

Third, the Commission erred in determining that section 386.266 did not allow certain transmission charges to be included in the Company's fuel adjustment clause.

ISSUES EXPECTED TO BE RAISED ON APPEAL: (Attach one additional page, if necessary. Appellant is not bound by this list. Attach one copy of the post-trial motion, if one was filed).

1. Whether the Commission's refusal to normalize Noranda's load was unreasonable.
2. Whether the Commission's decision to provide Noranda with a heavily-subsidized base rate and cap its fuel adjustment clause charges resulting in a significant shift of revenue requirement to other customers was unreasonable or unlawful.
3. Whether the Commission erred in excluding transmission charges from the Company's fuel adjustment clause.