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June 2, 2015

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

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

Dear Mr. Woodruff:

BRUCE H. BECKETT

JOHN L. ROARK

PHEBE LA MAR

COLLY J. DURLEY

JAMES B. LOWERY MICHAEL R. TRIPP

SARAH E. GIBONEY

AMANDA ALLEN MILLER

RAYMOND C. LEWIS, JR. (1926-2004)

WILLIAM JAY POWELL

Hand Delivered

Missouri Public Service Commission 1123Am 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

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





Missouri Public Service Commission

JUN 2 2015

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Judge or Division: Regulatory Law Judge Morris Woodruff	Appellate	Number:	S€	rvice Commiss
Appellant:	Missouri F	Public Service Comm	ission File Number:	
Union Electric Company	ED 201	4.0050		
d/b/a Ameren Missouri	ER-201	4-0258		
VS.				
Respondent: Public Service Commission of the		in the state of th		
State of Missouri				(Date File Stamp)
	Notice	of Appeal		
Notice is given that Union Electric Company d/b/a Ameren Misouri appeals to the Missouri				
Court of Appeals X Western Eastern	Southern	District.	1/	
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Date Notice of Appeal Filed		Signature of At	torney or Appellant	
(to be filled in by Secretary of Commission				
The notice of appeal shall include the appeal subsection 4 of section 386.420, a concise parties to the commission proceeding, and a must file the original and (2) two copies and Commission within the time specified by law Court of Appeals. At the same time, Appell all parties other than appellant(s), and on all the notice of appeal to the appropriate appeal	e statemen my other inf pay the doc . Please ma ant must se parties not	t of the issues being ormation specified by sket fee required by c ake checks or mone rve a copy of the Not	appealed, a full and on the rules of the count rule to the Secres orders payable to ice of Appeal on atto	complete list of the rt. The appellant(s) etary of the othe Missouri rneys of record of
		FORMATION		
Appellant Name / Bar Number:		Respondent's Attor	ney / Bar Number:	
James B. Lowery, MO Bar #40503		Shelley Brueggermann, MO Bar #52173		
Address: Smith Lewis, LLP		Address: Missouri Public Service Commission		
P.O. Box 918		P.O. Box 360		
Columbia, MO 65205-0918	Jefferson City, MO 65102			
Telephone: Fax: (573) 443-3141 (573) 44	2-6686	Telephone: (573) 751-7393		Fax: (573) 751-9285
Date of Commission Decision: Date of A April 29, 2015 May 11,	The state of the s	or Rehearing Filed:	Date Application for June 2, 2015	Rehearing Ruled On:
	W. Derman	TO COMMISSION	June 2, 2013	
A copy of the notice of appeal and the d otherwise ordered by the court of appeals, the certify its record in the case to the court of a	ocket fee sh ne commiss	nall be forwarded to t		
I certify that on June 2, 2015 the following address(es), by the method of	(date), I ser service indi	cated.	tice of appeal on the	following parties, at
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		/	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.

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Date Notice filed with the Commission:

May 20, 2015

The Record on Appeal will consist of:

X Legal File Only

Legal File and Transcript

FACTUAL BACKGROUND: (Events Giving Rise to Cause of Action. Attach one additional page, if necessary).

The Missouri Public Service Commission issued the Report and Order that is the subject of this appeal, in Commission Case No. ER-2014-0258, on April 29, 2015 and subsequently issued a Notice of Updated Calculation of Financial Effect of Report and Order indicating that the Report and Order authorized a rate increase for Appellant Union Electric Company of approximately \$121.5 million annually. On May 11, 2015 Appellant timely filed its Application for Rehearing, which was denied by the Commission by Order dated May 20, 2015, precipitating this appeal.

Appellant contends the Commission erred in these respects. First, the revenue requirement used to determine the approved rate increase was premised on the Company's largest customer, Noranda Aluminum, Inc. ("Noranda") consuming electricity at a very high load factor that does not change, when the uncontroverted evidence of record indicated that Noranda's load factor in fact is variable and as such that its load should have been normalized like other variable components of the revenue requirement. Failing to normalize Noranda's load was unreasonable under the applicable standard of review.

Second, Appellant contends that the Commission's order was unlawful and unreasonable in providing a heavily subsidized base rate to Noranda based upon Noranda's claimed (and speculative) private financial needs and without regard to the cost to serve the rate class under which Noranda takes service. Not only did the Commission set a subsidized base rate for Noranda, but the Commission also arbitrarily imposed a cap on charges to Noranda under Appellant's fuel adjustment clause. Both of these actions shift tens of millions of dollars of

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.