

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

Noranda Aluminum, Inc., et al.,)	
)	
Complainants,)	
v.)	
)	Case No. EC-2014-0223
Union Electric Company,)	
d/b/a Ameren Missouri,)	
)	
Respondent.)	

MOTION TO INTERVENE OUT OF TIME

COMES NOW Continental Cement Company, L.L.C. (hereinafter sometimes “Continental Cement”), pursuant to 4 CSR 240-2.075 (10) of the Rules of Practice and Procedure, and for its Motion to Intervene Out of Time respectfully states:

1. Continental Cement Company, L.L.C. is an active Delaware limited liability company, registered to do business in Missouri.
2. Correspondence, communications, orders and the decision in this matter should be addressed to:

Scott Conroy
Vice President, Engineering & Projects
Continental Cement Company, L.L.C.
16100 Swingley Ridge Road, Suite 230
Chesterfield, MO 63017
Telephone: 636-532-7440
Facsimile: 636-532-7445
sconroy@continentalcement.com

Mark W. Comley
NEWMAN, COMLEY & RUTH P.C.
P.O. Box 537
Jefferson City, MO 65102-0537
Telephone: 573-634-2266
Facsimile: 573-636-3306

3. This case arose when Noranda Aluminum, Inc. and 37 other individual customers of Ameren Missouri filed a complaint with the Missouri Public Service Commission against Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri"), alleging that Ameren Missouri is earning money at an excessive rate. On February 13, 2014 the Commission issued a Notice of Complaint, Order Establishing Time to Respond and Order Establishing Time to Apply to Intervene, directing that interested parties wishing to intervene must do so on or before March 7, 2014. This motion is therefore out of time.

4. Continental Cement had timely intervened in EC-2014-0224, a companion to the instant case with nearly identical issues and parties participant, and counsel overlooked the filing date for this file. Failing to meet the intervention deadline was not for purposes of delay but rather due to circumstances which Continental Cement asks the Commission to deem excusable and in addition, sufficient or good cause to grant this motion.

5. Continental Cement is itself a major consumer of energy supplied by Ameren Missouri. Continental Cement has an interest in this proceeding that is different from that of the general public which may be adversely affected by a final order arising from the outcome of this case.

6. If the Commission should grant this motion, neither the parties nor the Commission will be prejudiced since Continental Cement must accept the case in its current state. Continental Cement accepts the record established in this case including the requirements of the orders of the Commission as of the date this motion is filed.

7. Continental Cement asserts that its participation in this case will assist the Commission in its understanding and disposition of the issues and on that basis good cause exists as well for its intervention out of time.

8. Continental Cement has not yet adopted a position on the relief requested by Complainants in this case.

WHEREFORE, for the foregoing reasons, Continental Cement Company, L.L.C. respectfully requests that the Commission grant its Motion to Intervene Out of Time in this matter, and thereby entitle Continental Cement to have notice and to appear at the taking of testimony, to produce and cross-examine witnesses and to be heard on the arguments, and in all other respects fully participate in this proceeding.

Respectfully submitted,

/s/ Mark W. Comley

Mark W. Comley #28847
NEWMAN, COMLEY & RUTH P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266
(573) 636-3306 (FAX)

Attorneys for Continental Cement Company, L.L.C.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 18th day of March, 2014, to General Counsel's Office at staffcounsel@psc.mo.gov; and Office of Public Counsel at opc@ded.mo.gov.

/s/ Mark W. Comley

VERIFICATION

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for the Continental Cement Company, L.L.C., applicant for intervention in this proceeding; that I have read the above and foregoing Motion to Intervene and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.

/s/ Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 18th day of March, 2014.

/s/ Holly B. Bergman-Brown
Notary Public for Boone County, Missouri
Commission No 10028368
My Commission expires: 10-13-2014