

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

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

**COMPLAINANTS' MOTION TO MAKE CERTAIN DOCUMENTS PUBLIC  
REGARDING THE EARNINGS OF AMEREN MISSOURI**

COME NOW Complainants Noranda Aluminum, Inc. (“Noranda”) and the 37 individual customers of Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) and for their Motion to Make Certain Documents Public Regarding the Earnings of Ameren Missouri, state as follows:

1. On August 26, 2014, Ameren Missouri served the Staff of the Commission, Public Counsel, counsel for Complainants and certain other attorneys and experts who participated in certain prior Commission cases with a Surveillance Monitoring Report for the twelve month period ending June 30, 2014 (“Report”).

2. The Report was filed pursuant to Commission Rules 4 CSR 240-3.161(6) and 4 CSR 240-20.090(10), which require electric corporations like Ameren Missouri that have fuel adjustment clauses to file surveillance monitoring reports. The regulations provide that these reports are to be treated as highly confidential or “HC” subject to a waiver of that requirement for good cause shown. *See* 4 CSR 240-3.161(16) and 4 CSR 240-20.090(15). Accordingly, the Report can only be seen by certain attorneys and consultants who have participated in certain prior Commission cases. These attorneys and consultants are not permitted to disclose this information or discuss it with anyone, including their clients.

3. Pursuant to 4 CSR 240.161(16), the Report is classified as HC but the Commission

may waive this classification and make the Report public for good cause shown.<sup>1</sup>

4. On March 25, 2014, the Commission issued an order in this case finding good cause to designate Ameren Missouri's surveillance monitoring report for the twelve month period ending September 30, 2013 as public rather than HC. At the outset of the hearing in this case, on July 28, 2014, the Commission reclassified all of Ameren Missouri's surveillance monitoring reports from 2012 through March 2014 as public rather than HC.

5. Like the surveillance monitoring reports that have already been made public by the Commission in this case, the Report includes information that is relevant to the issues presently before the Commission regarding whether Ameren Missouri is overearning and whether its rates should be reduced. All Ameren Missouri electric customers have an interest in this case and will be affected by the Commission's decision. The information in the Report is essential for affected persons to make informed decisions about whether to exercise their legal rights regarding this case, including their right to file an application for rehearing and their right to appeal the Commission's decision.

6. In addition, the issues in this case have been widely reported by the press and are of interest to the general public as well as the General Assembly. The information included in the Report is essential to provide the public and the General Assembly with a fair understanding of the facts at issue in this case.

7. Good cause exists to make the Report public because the public interest requires that Ameren Missouri electric customers have direct access to the information necessary to the meaningful exercise of their legal rights regarding this proceeding. In the present case, the Report

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<sup>1</sup> Similarly, Section 386.480 RSMo empowers the Commission to authorize public inspection of otherwise closed information submitted by public utilities ("No information furnished to the commission ... shall be open to public inspection or made public except on order of the commission ... in the course of a hearing or proceeding").

includes information essential to those customers. All Ameren Missouri electric customers could be impacted by the Commission's decision in this case, and should have access to this information so they can intelligently exercise their legal rights to participate, including the right to engage in public comment. Without this information, the legal rights of the affected ratepayers are meaningless.

8. Additional good cause exists to waive the HC designation of this information because otherwise customers who are unrepresented by attorneys or outside experts will be prejudiced by their inability to obtain information essential to the exercise of their legal rights. Indeed, because of the HC designation no affected person is able to know the key facts underlying this case. Even though certain attorneys or consultants have access to the HC information, their clients and potential clients do not have this access and the attorneys or consultants are legally barred from discussing it with them. The HC designation of this information thus severely hampers or completely blocks Ameren Missouri's customers from communications with counsel or experts and prevents them from understanding the impact of this case and making informed decisions regarding their participation in the case.

WHEREFORE, Complainants respectfully request that the Commission grant its Motion.

Respectfully submitted,

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Attorney for Complainants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by electronic mail this 9<sup>th</sup> day of September, 2014, to the parties on the Commission's service list in this case.

/s/ Diana Vuylsteke