

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

Noranda Aluminum, Inc., et al.,)	
)	
Complainants,)	
)	
v.)	File No. EC-2014-0224
)	
Union Electric Company, d/b/a)	
Ameren Missouri,)	
)	
Respondent.)	

**AMEREN MISSOURI’S RESPONSE TO COMPLAINANTS’ RESPONSE TO AMEREN
MISSOURI’S REPLY TO MOTION TO MODIFY PROCEDURAL SCHEDULE**

COMES NOW Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or the "Company") and pursuant to 4 CSR 240-2.080(13) hereby files this response to the filing made by Complainants earlier this morning and, in this regard, states as follows:

1. Complainants’ contention that the “equities” favor their insistence on evidentiary hearings the week of June 9 versus the week of June 16 (the dates chosen by the Commission itself), or a mere one week later, is false and disingenuous.

2. It is true that counsel for Ameren Missouri, during off-the-record discussions after the March 28 Prehearing Conference, indicated to counsel for the other parties that Ameren Missouri’s position on an appropriate procedural schedule, if one was to be adopted, was vastly different than the procedural schedule Complainants were pursuing. Counsel for Ameren Missouri indicated that the differences were so great that it would not be productive for Ameren Missouri to discuss/debate these vast differences with the other parties, or for the other parties to discuss them with Ameren Missouri. This is because the procedural schedule Ameren Missouri believed was appropriate would call for resolution of this case many, many months later than the dates the other parties had in mind. It would have been like discussing settlement of a lawsuit

where the plaintiff's counsel had no authority to settle the lawsuit for less than \$5 million, and defendant's counsel had no authority to settle for more than \$100,000. The parties could sit there all day and discuss the case, but it truly would be a waste of time. Counsel for Ameren Missouri's courtesy in informing his colleagues of the Company's position, instead of posturing (as if there was a common middle ground that could be reached), has now been turned on its head in an effort to claim that Complainants' position is "more fair" than Ameren Missouri's position.

3. Complainants' filing today leaves the (false) impression that if only Ameren Missouri had engaged in further discussions Ameren Missouri's conflicts the week of June 9 and Complainants' counsel's conflicts the weeks of June 16 could have been avoided. Nothing could be further from the truth. Any discussion with Ameren Missouri would not have involved the possibility of hearings in June 2014, because as noted (and as reflected in Ameren Missouri's later-filed proposed procedural schedule) Ameren Missouri had in mind hearings in February 2015. Indeed, this is consistent with the Presiding Officer's suggestion made during the on-the-record portion of the Prehearing Conference that the parties consider combining the procedural schedule for this case with one for the upcoming Ameren Missouri rate case. Complainants were obviously opposed to such an idea; there was nothing productive to discuss. Counsel for Ameren Missouri's honesty with his colleagues about the relative positions of the parties doesn't suggest in any way that it is more "equitable" to grant Complainants' motion to modify the Commission's procedural schedule.

4. The bottom line is this: The Commission set evidentiary hearing dates and if the Commission determines to keep those dates the parties will of course appear and handle the hearings. One of Complainants' counsel has a legitimate conflict. Ameren Missouri's counsel

and a witness have legitimate conflicts with Complainants' alternative. A solution is to move the hearings just one week beyond the dates thus-far chosen by the Commission. There is not a shred of testimony – even if it were all to be believed – that establishes or suggests that any real harm will occur to Noranda or any of its employees if these hearings and a decision in this case (which may or may not be to Noranda's liking) is delayed by one week.

WHEREFORE, for the reasons outlined herein, Complainants' motion to modify the procedural schedule should be rejected.

Respectfully submitted,

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 14th day of May, 2014, served the foregoing either by electronic means, or by U. S. Mail, postage prepaid addressed to all parties of record.

James B. Lowery
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