

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

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

**AMEREN MISSOURI’S RESPONSE TO COMPLAINANTS’ REPLY**

**COMES NOW** Union Electric Company, d/b/a Ameren Missouri (the “Company” or “Ameren Missouri”), and for its response to the reply filed by Complainants on May 12, 2014 regarding Complainants’ request to set a test year, states as follows:

1. Complainants continue to try to gloss over the fact that it is not just Ameren Missouri who contends that setting a test year at this stage of this case is inappropriate and unnecessary. In fact the Staff has also objected to Complainants’ test year request and in doing so, the Staff could not have been more clear: “A test year is not required for an investigation of this sort . . .”; and “Staff prays that the Commission will deny the Complainants request to set the test year herein.”<sup>1</sup>

2. Moreover, even if the Commission were to attempt to establish rates at this stage of the proceeding (which both Staff and Ameren Missouri believe is not possible without a full cost of service study), Complainants' proposed test year and true-up is completely inappropriate. Complainants ignore—indeed they fail to acknowledge—that rates are set for the future and that when the Commission sets rates it is required *as a matter of law* to make an honest and intelligent forecast of what rates should be in the future. If adopted, Complainants’ test year proposal—whether or not intentionally designed to do so—would severely hamper the Commission’s ability to determine that question by limiting consideration to historic costs.

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<sup>1</sup> Staff’s May 2 Response, p. 4

3. Finally, it is inappropriate and fundamentally unfair for Complainants to have sat on their collective hands for nearly three months after filing this case (the timing of which was within their control) and to now advocate that the Commission set a test year at a point in time that is deep into the other parties' (and certainly Ameren Missouri's) preparation of their rebuttal cases, which must be filed just 23 days after the May 14, Agenda occurs. Ameren Missouri's rebuttal case will address *all* of the costs which it has incurred already or will incur in the near future, and it should not be constrained from doing so by Complainants' 11<sup>th</sup> hour attempt to impose a test year that is already almost 8 months old, and a true-up that will not reflect an honest and intelligent forecast of what rates should be in the future.

**WHEREFORE**, Ameren Missouri prays that the Commission enter an order denying Complainants' request to establish a test year and true-up.

By Thomas M. Byrne  
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Dated: May 13, 2014

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this 13th day of May, 2014, served the foregoing either by electronic means, or by U. S. Mail, postage prepaid addressed to counsel for all parties of record.

James B. Lowery

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