

among the cases, presently pending and hypothetical, is not sufficient to warrant delay or combination.

3. Ameren further misdirects attention to alleged resource constraints on the Commission Staff. This is not Staff's case. The burden of persuasion rests squarely on the Complainants, as the statute provides. The Commission should not permit Ameren to delay relief to its customers by imposing on Staff a burden that the pleadings and the statute put on Complainants.
4. Nor should the Commission permit Ameren to delay the proceedings in this case until it interferes with the hypothetical Ameren rate case. As Complainants' proposed procedural schedule shows, this case could be submitted for decision before Ameren even files its predicted rate case.
5. The Commission should disregard Ameren's complaints about the failure of this case to consider its investments that are not yet in service. If the plant is in service, Ameren can include it in its rebuttal testimony. The Commission should also note that it is anticipated that Ameren will file its rate before that plant is in service, gambling upon the true up to comprehend its in-service date. Ameren intends to benefit from timing its rate case filing, and the Commission should not permit it to deny the same timing benefit to Ameren's customers.
6. Ameren asserts that the Commission should not rely, in this case, upon Staff's studies from Ameren's last rate case, yet Ameren tacitly asks the Commission to continue to rely on all the evidence from that case by refusing to consider new evidence in this case.
7. Ameren suggests the Commission delay all activity in this case until it rules on Ameren's pending motion to dismiss. Ameren cites the procedure in EC-2013-0377 and

8. EC-2013-0378 as authority, but the references are not persuasive. Those case procedures were adopted by agreement of the parties; which is not the case here. Those cases dealt with application of Commission rules on renewable energy, not with the rates for service of Ameren. The procedures in those cases are not applicable here.

WHEREFORE, Noranda, MIEC, OPC, CCM and MRA ask the Commission to reject the delay sought by Ameren, and adopt the procedural schedule proposed by Complainants.

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the above pleading have been e-mailed this 7th day of April, 2014, to the following parties of record:

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