

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

In the Matter of Noranda Aluminum, Inc.'s)	
Request for Revisions to Union Electric)	
Company d/b/a Ameren Missouri's Large)	Case No. EC-2014-0224
Transmission Service Tariff to Decrease its)	
Rate for Electric Service)	

**RESPONSE TO AMEREN MISSOURI'S
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW Missouri Industrial Energy Consumers (MIEC), the office of the Public Counsel (OPC), Consumer Council of Missouri (CCM) and Missouri Retailers Association (MRA), and in response to Ameren Missouri's proposed procedural schedule filing state:

1. Ameren Missouri's filing is a transparent attempt to conflate two separate and distinct cases, EC-2014-0223 and EC-2014-0224 with each other, and to conflate both of them with a hypothetical general rate case that Ameren has yet to file. The explanation is simple – for every day that Ameren hopes to delay relief for its customers in Case Number EC-2014-0223, it stands to garner an additional \$180,000 of unreasonable and unwarranted revenue from its customers.
2. Ameren suggests, without merit, that the cases are related in fact and law. However, EC-2014-0223 proposes to reduce Ameren's revenues to reduce its excess earnings; EC-2014-0224 asks the Commission to approve a change in the collection of Ameren's current revenue requirement. Ameren's not-yet-filed rate case will consider the impact on revenue requirement of plant that is not now in service and will not even be in service at the time Ameren anticipates that it might file its rate increase case. The relation 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. In this case, Ameren's customers are faced with the prospect of choosing to keep Noranda on the Ameren's system and continuing to absorb a portion of Ameren's fixed costs, or to gamble that Ameren's off system sales will increase over current sales to in an amount sufficient to absorb those costs. Ameren does not appear to be volunteering to guarantee to hold other customers harmless if Noranda leaves the system.
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 denigrates the seriousness of Noranda's current situation as only a regulated utility, insulated from competition and subsidy of competitors, could do. Ameren's comments reflect the attitude that caused Ameren problems in its foray into the competitive merchant power market, and minimize the credibility of its comments on Noranda.

8. Ameren's suggestion that this case requires a full cost of service study for Noranda is entirely misplaced. The issue in this case is whether Ameren's other customers are better positioned with Noranda's continued, but reduced, contribution to Ameren's fixed costs, or by gambling on Ameren's providing those revenues through an increase in off-system sales. Other considerations are nothing more than red herrings.
9. 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 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, MIEC, OPC, CCM and MRA ask the Commission to reject the delay sought by Ameren, and adopt the procedural schedule proposed by Complainants.

<p>OFFICE OF THE PUBLIC COUNSEL</p> <p>By: <u> /s/ Lewis R. Mills, Jr. </u> Lewis R. Mills, Jr., #35275 Public Counsel P.O. Box 2230 Jefferson City, MO 65102 (573) 751-4857 (573) 751-5562 FAX <u>Lewis.mills@ded.mo.gov</u></p>		<p>JOHN B. COFFMAN, LLC</p> <p>By: <u> /s/ John Coffman </u> John B. Coffman, #36591 871 Tuxedo Boulevard St. Louis, MO 63119 (573) 424-6779 <u>john@johncoffman.net</u></p> <p>ATTORNEYS FOR CONSUMERS COUNCIL OF MISSOURI</p>
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<p>BLITZ, BARDGETT & DEUTSCH</p> <p>By: <u>/s/ Thomas R. Schwarz</u> Thomas R. Schwarz, Jr., #29645 308 East High Street Suite 301 Jefferson City, MO 65101 (573) 634-2500 (573) 634-3358 FAX tschwarz@bbdlc.com</p> <p>ATTORNEY FOR THE MISSOURI RETAILERS ASSOCIATION</p>	<p>BRYAN CAVE LLP</p> <p>By: <u>/s/ Diana Vuylsteke</u> Diana Vuylsteke, #42419 BRYAN CAVE LLP 211 North Broadway Suite 3600 St. Louis, MO 63102 (314) 259-2543 (314) 259-2020 FAX dmvuylsteke@bryancave.com</p> <p>Edward F. Downey, #28866 BRYAN CAVE LLP 221 Bolivar Street Suite 101 Jefferson City, MO 65109 (573) 556-6622 (573) 556-7442 efdowney@bryancave.com</p> <p>ATTORNEYS FOR THE MISSOURI INDUSTRIAL ENERGY CONSUMERS</p>
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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:

**Missouri Public Service
Commission**
Kevin Thompson
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Kevin.Thompson@psc.mo.gov

**Missouri Public Service
Commission**
Office General Counsel
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Noranda Aluminum, Inc.
Edward F Downey
221 Bolivar Street, Suite 101
Jefferson City, MO 65101
efdowney@bryancave.com

Noranda Aluminum, Inc.
Diana M Vuylsteke
211 N. Broadway, Suite 3600
St. Louis, MO 63102
dmvuylsteke@bryancave.com

River Cement Company

Lisa C Langeneckert
P.O. Box 411793
St. Louis, MO 63141
llangeneckert@att.net

Sam's East, Inc

Marcos Barbosa
2400 Pershing Road
2400 Pershing Road
Kansas City, MO 64108
barbosa@bscr-law.com

Sam's East, Inc

Rick D Chamberlain
6 NE 63rd Street, Ste. 400
Oklahoma City, OK 73105
rchamberlain@okenergylaw.com

Union Electric Company

Russ Mitten
312 E. Capitol Ave
P.O. Box 456
Jefferson City, MO 65102
rmitten@brydonlaw.com

Union Electric Company

Cheryl L Lobb
111 S. Ninth Street, Suite 200
P.O. Box 918
Columbia, MO 65202-0918
lobb@smithlewis.com

Union Electric Company

James B Lowery
111 South Ninth St., Suite 200
P.O. Box 918
Columbia, MO 65205-0918
lowery@smithlewis.com

Union Electric Company

Michael R Tripp
111 S. 9th Street
P.O. Box 918
Columbia, MO 65205-0918
tripp@smithlewis.com

Union Electric Company

Thomas M Byrne
1901 Chouteau Avenue
P.O. Box 66149 (MC 1310)
St. Louis, MO 63166-6149
AmerenMOService@ameren.com

Union Electric Company

Wendy Tatro
1901 Chouteau Avenue
St. Louis, MO 63166-6149
AmerenMOService@ameren.com

Wal-Mart Stores East, LP

Marcos Barbosa
2400 Pershing Road
2400 Pershing Road
Kansas City, MO 64108
barbosa@bscr-law.com

Wal-Mart Stores East, LP

Rick D Chamberlain
6 NE 63rd Street, Ste. 400
Oklahoma City, OK 73105
rchamberlain@okenergylaw.com

City of Ballwin, Missouri

Carl J Lumley
130 S. Bemiston, Ste 200
St. Louis, MO 63105
clumley@lawfirmemail.com

City of Ballwin, Missouri
Leland B Curtis
130 S. Bemiston, Suite 200
St. Louis, MO 63105
lcurtis@lawfirmemail.com

City of O'Fallon, Missouri
Leland B Curtis
130 S. Bemiston, Suite 200
St. Louis, MO 63105
lcurtis@lawfirmemail.com

City of O'Fallon, Missouri
Carl J Lumley
130 S. Bemiston, Ste 200
St. Louis, MO 63105
clumley@lawfirmemail.com

**Continental Cement Company,
L.L.C.**
Mark W Comley
601 Monroe Street., Suite 301
Jefferson City, MO 65102-0537
comleym@ncrpc.com

/s/ Thomas R. Schwarz, Jr.
