

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

Noranda Aluminum, Inc., et al.,)	
)	
Complainants,)	
)	
vs.)	<u>Case No. EC-2014-0224</u>
)	
Union Electric Company doing business)	
As Ameren Missouri,)	
)	
Respondent.)	

**Staff’s Objection to Nonunanimous
Stipulations and Agreements**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Objection to the Nonunanimous Stipulations and Agreements*, states as follows:

1. On July 24, 2014, the Office of the Public Counsel filed a *Nonunanimous Stipulation and Agreement* herein,¹ in which Consumers Council of Missouri (“Consumers”) concurred on the same day. That *Nonunanimous Stipulation and Agreement* provided for resolution of this matter by granting a special rate to Complainant Noranda Aluminum Company, Inc. (“Noranda”).

2. On July 25, 2014, Ameren Missouri filed its timely *Response to OPC Pleading Denominated “Non-Unanimous Stipulation and Agreement” and Contingent Objection Pursuant to 4 CSR 240-2.115(2)(B)*. Pursuant to Commission Rule 4 CSR 240-2.115(2)(D):

¹ In public and highly confidential versions.

A nonunanimous stipulation and agreement to which a timely objection has been filed shall be considered to be merely a position of the signatory parties to the stipulated position, except that no party shall be bound by it. All issues shall remain for determination after hearing.

3. On July 29, 2014, OPC, Consumers, Noranda, and the Missouri Industrial Energy Consumers (“MIEC”) filed another *Nonunanimous Stipulation and Agreement*,² which also provides for resolution of this matter by granting a special rate to Noranda.

4. Pursuant to Commission Rule 4 CSR 240-2.115(2)(D), Staff now objects to both of the *Nonunanimous Stipulations and Agreements* because neither presents a lawful or appropriate resolution to this case.

5. Staff’s position as to an appropriate and lawful resolution of this case is set out in detail in the testimony of Staff witnesses Sara L. Kliethermes and Michael S. Scheperle, as well as Staff’s *Initial Brief* and *Reply Brief*.

WHEREFORE, Staff makes its objection to the two *Nonunanimous Stipulations and Agreements* referenced above.

Respectfully submitted,

/s/ Kevin A. Thompson
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² In public and highly confidential versions.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served, either electronically or by hand delivery or by First Class United States Mail, postage prepaid, on this **30th day of July, 2014**, on the parties of record as set out on the official Service List maintained by the Data Center of the Missouri Public Service Commission for this case.

/s/ Kevin A. Thompson