

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

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

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

ORDER INVITING RESPONSES TO AGENDA DISCUSSION

Issue Date: April 8, 2014

Effective Date: April 8, 2014

The Commission discussed the proposed procedural schedules for these two complaint cases at its agenda meeting on April 8, 2014. One possibility discussed would be to combine these two complaints with a rate case to allow for full consideration of Ameren Missouri's current rates.

Ameren Missouri has filed a 60-day notice of its intent to file a rate case in File No. ER-2014-0258, and has stated its intent to file its tariff to start that rate case on July 15.

However, Ameren Missouri is currently under no obligation to file such a tariff. The Commission is considering the possibility of opening a rate case on its own motion to fully consider Ameren Missouri's rates going forward. That rate case would generally proceed on a schedule consistent with Ameren Missouri's stated intent to file its rate increase tariff on July 15. In the meantime, the Commission would establish a procedural schedule to consider the complaints on an expedited basis as though they were requests for interim rate relief within the overall rate case. Under this plan, the complainants would still bear the burden of proving that an interim rate adjustment is appropriate. Ameren Missouri would still bear the burden of proving that the rates it proposes are just and reasonable.

There is precedent for such an action. In a 1976 case involving Laclede Gas Company,¹ the Missouri Court of Appeals held that the Commission has the power to grant interim rate relief pending a full hearing to consider all relevant factors in determining fair and reasonable permanent rates. In that case it was Laclede that was seeking an interim rate, but the principle should apply equally to a complaint to reduce rates.

More recently, the Commission addressed this issue with regard to Ameren Missouri's request for interim rate relief. In Ameren Missouri's 2010 rate case, ER-2010-0036, the Commission held a separate hearing on the company's request for interim rate relief. The Commission denied Ameren Missouri's request for an interim rate increase,² but if the Commission can consider an interim rate increase for Ameren Missouri it should be able to consider an interim rate decrease, or interim rate class adjustment on the basis of the complaints.

¹ *State ex rel. Laclede Gas Co.*, 535 S.W.2d 561 (Mo. App. 1976).

Before undertaking such a procedural plan, the Commission would like to give the parties an opportunity to respond.

THE COMMISSION ORDERS THAT:

1. Any party wishing to respond to the Commission's discussions at the April 8, 2014 agenda meeting shall do so no later than April 10, 2014.
2. This order shall become effective upon issuance.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 8th day of April, 2014.

² *In the Matter of Union Electric Company, d/b/a AmerenUE's Tariffs to Increase its Annual Revenues for Electric Service, Report and Order Regarding Interim Rates, 19 Mo. P.S.C. 3d 169 (2010).*