

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

In the matter of Union Electric Company,)
d/b/a Ameren Missouri's Tariff to Increase) Case No. ER-2014-0258
Revenues for Electric Service)

**OPPOSITION TO PETITION
FOR LEAVE TO FILE AMICUS BRIEF**

COMES NOW the Midwest Energy Consumers Group (“MECG”), and for its Opposition to the Department of Economic Development’s *Petition for Leave to File Amicus Brief*, respectfully states as follows:

1. On April 7, 2015, the Department of Economic Development (“DED”) filed: (1) a *Petition for Leave to File Amicus Brief* and (2) its *Amicus Brief*. As this pleading indicates, the Commission should reject DED’s petition and disregard the brief.

2. As demonstrated in the previously-filed opposition by United For Missouri, it would be inherently unfair for the Commission to allow DED to file an *amicus* brief. Specifically, by waiting until 3 days before the reply briefs were scheduled to be filed, DED prevented other parties from preparing and responding to the substance of its brief. While DED may not have been technically a party to this case, it was certainly well aware of the filing deadlines in this case since it shares representation with the Division of Energy, a division of the Department of Economic Development. As such, the delay was calculated to prevent parties from responding to the *amicus* brief.

3. A review of the alleged *amicus* brief indicates that it is not a brief, but rather an attempt to interject evidence of another study at this late hour. Specifically, DED’s alleged *amicus* brief does not cite to a single piece of record evidence. Rather, the

DED brief describes an economic impact study related to the Noranda smelter. As such, the document is not actually a brief, but an eleventh attempt to introduce evidence.

4. Such tactics are not new. The Commission has previously considered and rejected Noranda's request for a subsidized rate in Case No. EC-2014-0224. In that case, after waiting until initial and reply briefs were filed, and shortly before the Commission issued its *Report and Order*, the Department of Economic Development filed a summary of the same study.¹ Thus, the study referenced by DED has been in existence for at least 8 months. Rather than offering such study and providing foundational support for the study in this case, DED once again attempts to skirt the Commission's procedural and evidentiary requirements. Given its continued refusal to abide by the Commission's Rules of Practice and Procedure, the Commission should think long about whether it should allow DED to participate in future Commission proceedings.

WHEREFORE, MECG respectfully requests that the Commission deny DED's *Petition For Leave to File Amicus Brief*.

¹ See, Case No. EC-2014-0224, *Summary of Findings of Missouri Economic Research and Information Center (MERIC) Economic Impact Analysis Offered by Missouri Department of Economic Development*, filed August 5, 2014.

Respectfully submitted,



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ATTORNEY FOR THE MIDWEST
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the foregoing pleading by email, facsimile or First Class United States Mail to all parties by their attorneys of record as provided by the Secretary of the Commission.



David L. Woodsmall

Dated: April 10, 2015