

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 23<sup>rd</sup> day of  
March, 2016.

In the Matter of the Adjustment of Union Electric            )  
Company d/b/a Ameren Missouri's Fuel Adjustment        )  
Clause for the 20<sup>th</sup> Accumulation Period                    )     **File No. ER-2016-0130**

**ORDER APPROVING SECOND STIPULATION AND AGREEMENT**

Issue Date: March 23, 2016

Effective Date: March 23, 2016

On January 20, 2016, the Commission issued an *Order Regarding Fuel Adjustment Clause Tariff*, which approved a stipulation and agreement providing more time for the parties to resolve a dispute concerning the calculation of an adjustment regarding Noranda Aluminum, Inc.'s load changes ("N factor"). That order also granted a variance from Commission rules and Union Electric Company d/b/a Ameren Missouri's ("Ameren Missouri") tariffs so that the N factor adjustment at issue could be collected in a different recovery period.

On March 7, 2016, Ameren Missouri, Commission Staff, the Office of the Public Counsel, and Missouri Industrial Energy Consumers filed a *Second Non-Unanimous Stipulation and Agreement* ("Second Agreement") that provides a methodology to calculate the N factor adjustment and requests a variance to Commission rule 4 CSR 240.20-090(4) to effectuate the Second Agreement. The Second Agreement is non-unanimous in that it was not signed by all parties. However, Commission Rule 4 CSR 240-2.115(2) provides that other parties have seven days in which to object to a non-unanimous stipulation and

agreement. If no party files a timely objection to a stipulation and agreement, the Commission may treat it as a unanimous stipulation and agreement. More than seven days have passed since the Second Agreement was filed, and no party has objected. Therefore, the Commission will treat the Second Agreement as a unanimous stipulation and agreement.

After reviewing the Second Agreement, the Commission independently finds and concludes that the Second Agreement is a reasonable resolution of the issues addressed by the Second Agreement and that such Second Agreement should be approved. The Commission will also grant the requested variance.

**THE COMMISSION ORDERS THAT:**

1. The *Second Non-Unanimous Stipulation and Agreement*, filed on March 7, 2016, is approved as a resolution of the issues addressed in that stipulation and agreement. The signatory parties are ordered to comply with the terms of the stipulation and agreement. A copy of the stipulation and agreement is attached to this order and incorporated herein in its entirety as if fully set forth.

2. The requested variance to Commission rule 4 CSR 240.20-090(4) is granted to the extent necessary to effectuate the terms of the *Second Non-Unanimous Stipulation and Agreement*.

3. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff  
Secretary

Hall, Chm., Stoll, Kenney,  
Rupp, and Coleman, CC., concur.

Bushmann, Senior Regulatory Law Judge