

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

In the Matter of Union Electric Company d/b/a)	
AmerenUE for Authority to File Tariffs Increasing)	
Rates for Electric Service Provided to Customers in)	Case No. ER-2007-0002
the Company's Missouri Service Area.)	

**MOTION FOR CLARIFICATION OF COMMISSION'S SEPTEMBER 28, 2006 ORDER
DENYING MOTION TO ESTABLISH TRANSITIONAL PROCEDURES, AND
MOTION IN SUPPORT, IN PART, OF NORANDA ALUMINUM, INC.'S
SEPTEMBER 20, 2006 APPLICATION FOR REHEARING OR
RECONSIDERATION OF ORDER OF SEPTEMBER 12, 2006**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), and files this Motion For Clarification of the Missouri Public Service Commission's (Commission) September 28, 2006 Order Denying Motion To Establish Transitional Procedures and Motion In Support, In Part, of Noranda Aluminum, Inc.'s September 20, 2006 Application For Rehearing Or Reconsideration Of Order Of September 12, 2006. In support thereof the Staff states as follows:

Motion For Clarification Of Commission's September 28, 2006 Order

1. The Staff would note that it first drafted this pleading requesting clarification prior to the State Of Missouri's Response In Opposition to Union Electric's September 29, 2006 filing, which shows a certificate of service date of October 4, 2006, appearing in EFIS on October 10, 2006, and prior to Union Electric Company, d/b/a AmerenUE (AmerenUE) filing a responsive pleading on October 9, 2006 to the State of Missouri. Counsel for the Staff did not receive his service copy of the State of Missouri's pleading, which shows a certificate of service date of October 4, 2006, until October 10, 2006. The Staff only notes these matters because counsel drafted the instant pleading in large part due to no other pleading seeking clarification of

the Commission's September 28, 2006 Order having been filed by October 6, 2006. In addition to AmerenUE's filing on October 9, 2006, AARP and Consumers Council Of Missouri (CCM) made a filing in EFIS on October 9, 2006 on these matters. This date, October 10, 2006, Missouri Industrial Energy Consumers Group has also made a filing. It is clear from all of these filings that there is uncertainty as to the scope of the Commission's Order Denying Motion To Establish Transitional Procedures issued on September 28, 2006. The Commission in its September 28, 2006 Order Denying Motion To Establish Transitional Procedures denied AmerenUE's Motion To Adopt Procedures For Implementing AmerenUE's Requested Fuel Adjustment Clause. The Commission notes in its September 28, 2006 Order that several parties to this case filed objections to both AmerenUE's initial FAC request and its amended request. The Aquila, Inc., rate increase case, Case No. ER-2007-0004, and the AmerenUE rate increase case, Case No. ER-20007-0002, were similarly situated in that both were filed within a few days of each other in early July and both electrical corporations requested that the Commission issue an Order establishing transitional procedures for the handling of their requests for an FAC, but otherwise regarding FAC issues, the two filings were, and are, very differently situated.

2. On September 29, 2006 concurrent with its filing updating its direct case from forecasted data to actual data for April to June 2006, including testimony and relating to the impacts of the storms occurring in July 2006 to the extent available and its FAC filing, AmerenUE filed its Motion For Any Necessary Leave To File Additional Testimony, For Any Necessary Waivers, And To Deny Pending Motions. The Commission by its Order of September 28, 2006 did not directly state whether it was ruling on the matter of whether AmerenUE was authorized to make its September 29, 2006 filing of an FAC tariff and supporting testimony which was being objected to by the State of Missouri, the Office of the

Public Counsel, AARP, CCM and Missouri Industrial Energy Consumers (MIEC). These parties raised issues relating to the Commission's authority to adopt transitional procedures and raised other legal questions. The Commission did not appear to directly rule on the State of Missouri's Motion To Strike Portions Of the Testimony Of Union Electric Witness Warner L. Baxter and the Office of the Public Counsel's Motion For A Directed Verdict. Thus, apparently, that is the reason for AmerenUE's request in its Motion filed on September 29, 2006 that the Commission deny the State of Missouri's Motion To Strike Portions Of the Testimony Of Union Electric Witness Warner L. Baxter and the Office of the Public Counsel's Motion For a Directed Verdict.

**Motion In Support, In Part, Of Noranda's September 20, 2006
Application For Rehearing Or Reconsideration**

3. On August 29, 2006, the Staff, on behalf of itself and the other parties that attended the early prehearing conference held on August 17, 2006 as scheduled by the Commission, filed a Joint Proposed Procedural Schedule And Request For Other Procedural Items. In paragraphs 3(a) through 3(h), the parties identified a number of procedures to which they had agreed. It was the parties' express request that the Commission itself in its scheduling Order recognize the parties' agreement on these matters. Undersigned counsel used the following language:

All parties also have agreed to the following procedures and request that these agreed to matters be **reflected** in the Commission's Order setting the procedural schedule. . . [emphasis added]

4. The Commission issued its Order Adopting Procedural Schedule And Test Year on September 12, 2006. On September 20, 2006, Noranda Filed its Application For Rehearing Or Reconsideration Of Order Of September 12, 2006. In Section C on pages 10 through 13 of its September 20, 2006 Application For Rehearing Or Reconsideration, Noranda addressed the procedures that the parties had agreed upon and noted at page 13 that:

. . . the Order appears to have addressed items (a), (b), and (h). Item (f) was addressed but only indirectly through the procedural schedule without a specific reference in the Order. The other items, (c), (d), (e), and (g) were not addressed at all.

Noranda goes on to request that the Commission address these items in its Order as they (a) are part of the parties' agreement to both the provisions in the procedural schedule and the "tight" timeframes therein, (b) improve the processing of the case and (c) help avoid ambiguity and future issues from arising. The Staff concurs with Noranda's request that the Commission address the procedural items to which the parties in attendance at the August 17, 2006 early prehearing conference agreed.

5. Undersigned counsel requests leave to file this portion of this pleading in support, in part, of Noranda's September 20, 2006 Application For Rehearing Or Reconsideration. Due to the press of other Commission cases, undersigned counsel was not able to make this filing earlier and apologizes for any inconvenience the delay has caused.

Wherefore the Staff requests that the Commission issue an Order granting the instant Motion For Clarification Of Commission's September 28, 2006 Order Denying Motion To Establish Transitional Procedures, And Motion In Support, In Part, Of Noranda Aluminum, Inc.'s September 20, 2006 Application For Rehearing Or Reconsideration Of Order Of September 12, 2006.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 10th day of October 2006.

/s/ Steven Dottheim