

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

In the matter of Union Electric,)	
d/b/a AmerenUE's Tariffs to)	Case No. ER-2010-0036
Increase Its Annual Revenues for)	Tariff Nos. YE-2010-0054
Electric Service)	

**NORANDA ALUMINUM, INC.'S SUGGESTIONS IN OPPOSITION TO MEUA'S
MOTION TO STRIKE**

COMES NOW Intervenor Noranda Aluminum, Inc. ("Noranda"), by and through counsel, and respectfully requests the Court to deny in part Missouri Energy Users' Association's ("MEUA") March 5, 2010 Motion to Strike.

1. On January 28, 2010, MEUA submitted 66 data Requests to Noranda, many of which requested information relating to Noranda's request for a rate of \$27.00 / MWH.
2. On February 11, 2010, Noranda amended its rate request to seek a rate consistent with Maurice Brubaker's cost of service study. Based on its amended position, Noranda objected to Data Requests seeking information supporting its previous request for a rate of \$27.00 / MWH.
3. On March 3, 2010, the Commission ruled that Data Requests 1.5, 1.6, 1.11 and 1.41 sought irrelevant information as they were "directly tied" to Noranda's earlier request of \$27.00 / MWH.
4. However, the Commission also ordered Noranda to respond to data requests 1.7, 1.8, 1.9, 1.12, 1.13, 1.33, and 1.43 "with the modification that they apply to the rate Noranda is now seeking." Commission Order, March 3, 2010, at p. 3.
5. On March 5, 2010, Noranda timely responded to those data requests that were ordered by the Commission.

6. MEUA now seeks to strike pages of evidence, much of which that relates to the rate Noranda is now seeking merely because the information may have also supported Noranda's earlier request for a rate of \$27.00 / MWH.

7. For example, Noranda seeks to strike the following testimony of Kip Smith in spite of the fact that the testimony relates to and supports Noranda's revised request:

The New Madrid Smelter has been an integral part of the economic landscape of Southeast Missouri for 38 years. As explained in more detail in the testimony of Paul Coomes, the New Madrid Smelter is one of the largest, if not the largest employer in Southeast Missouri. Hundreds of Southeast Missouri families would be placed in peril if the New Madrid Smelter was forced to shut its doors. Millions of dollars flow into the homes and businesses of Southeast Missourians as a result of the revenues from Noranda products which are sold mostly outside of the state. Moreover, the New Madrid Smelter provides hundreds of skilled jobs that pay good wages and provides its employees good medical and retirement benefits. In addition, the New Madrid Smelter pays some 24% of the total taxes collected in New Madrid County and roughly 33% of the assessed tax paid for the New Madrid County Schools. Taxes paid by the New Madrid Smelter help keep the school systems viable and help to maintain the infrastructure and needed government institutions in Southeast Missouri. The poor economy has had an impact on everybody, but Southeast Missouri seems to be particularly hard hit. It is vital to our employees, to their families, to the community, to the merchants that our employees frequent, to our vendors (including Union Electric), and to their families, that the New Madrid Smelter remain viable. In order for the smelter to remain viable, it is absolutely critical that the New Madrid Smelter reduce its costs of operation, and the smelter's single largest cost remains its cost of electricity. The \$27/MWh rate that I am respectfully advocating for the New Madrid Smelter would greatly enhance the continuing viability of the smelter and thereby sustain these numerous benefits to the community and the State of Missouri.

8. The above testimony is not rendered irrelevant merely because it includes the term "\$27/MWh". Rather, the testimony supports Noranda's revised request for a rate consistent with Maurice Brubaker's cost of service study. As such, the testimony, except for the term "\$27/MWh", should not be stricken.

9. Similarly, the last two sentences responding to the first question on page 6 of Mr. Smith's Direct testimony discuss Noranda's need to compete with other smelters

and to remain sustainable. This testimony is also relevant to the rate Noranda is now seeking, and should not be stricken merely because it mentions Noranda's earlier request. Rather, like MEUA's First Set of Data Requests, Mr. Smith's testimony should be construed to apply to the rate Noranda is now seeking, namely a rate consistent with Mr. Brubaker's cost of service study.

10. MEUA also seeks to strike evidence relating to Maurice Brubaker's Schedules MEB-COS-8 and MEB-COS-9. Noranda does not oppose the striking of this evidence as it directly relates to Noranda's prior request for a \$27/MWH rate.

11. Thus, Noranda opposes MEUA's Motion to strike Mr. Smith's testimony because it supports and relates to the rate Noranda is now seeking. Noranda does not oppose MEUA's Motion to strike the portions of Mr. Brubaker's testimony that relates only to Noranda's prior request for a rate of \$27/MWH.

WHEREFORE, Noranda respectfully requests that the Commission deny MEUA's Motion to Strike Mr. Smith's testimony because it supports Noranda's revised request and remains relevant to the issues in this case.

Respectfully submitted,

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ATTORNEYS FOR INTERVENOR MIEC

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was sent by electronic mail this 14th day of March, 2010, to each person on the Commission's official service list in this case.

/s/ Diana Vuylsteke