

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

In the Matter of the Tariff Filings of Union                     )  
Electric Company, d/b/a Ameren Missouri, to                     )  
Increase Its Revenues for Retail Electric Service.             )

Case No. ER-2012-0166

**MOTION TO COMPEL COMPLIANCE WITH  
ORDER RESOLVING ISSUES PRESENTED AT DISCOVERY CONFERENCE  
AND REQUEST FOR EXPEDITED TREATMENT**

In accordance with 4 CSR 240-2.080, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or “the Company”) files this motion asking the Missouri Public Service Commission (“Commission”) to compel compliance with its previously-issued “Order Resolving Issues Presented at Discovery Conference” or, in the alternative, to impose penalties for failure to comply with that order. In support of its motion, which the Company asks be considered on an expedited basis, Ameren Missouri states as follows:

1. On August 31, 2012, the Commission issued its “Order Resolving Issues Presented at Discovery Conference” (“the Order”), which, in relevant part, ordered Noranda Aluminum, Inc. (“Noranda”), to “provide copies of all annual and multi-year budgets and financial projections that Noranda has prepared for the New Madrid smelter that encompass any or all of the years 2012 through 2015.”<sup>1</sup> Noranda did not seek reconsideration of, or otherwise contest, the Order.

2. On September 20, 2012, counsel for the Missouri Industrial Energy Consumers, an intervenor group that includes Noranda, purported to respond to the Order by sending Ameren Missouri the response that is attached to this motion as Exhibit A.

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<sup>1</sup> Order Resolving Issues Presented at Discovery Conference at p. 3.

3. It is obvious that Exhibit A does not provide the information specified in the Order. The purported response is not an annual or multi-year budget and it is not a multi-year financial projection – each of which the Order required Noranda to produce. Instead, the purported response is merely a compilation of numbers that appear to relate to some aspect of production – presumably at the New Madrid smelter – from a source or sources that are not identified anywhere in the response. The purported response, therefore, not only fails to comply with the Order, it fails to qualify as even a good faith attempt to comply.

4. Noranda should not be allowed to flout the Order and the Commission's authority in this fashion. Furthermore, Noranda should not be allowed to deny Ameren Missouri information that is necessary to enable the Company to fully analyze the testimony of Noranda's witness Kip Smith and to prepare for his cross-examination.

5. Because Noranda has failed to do what it was ordered to do, the Commission should issue a second order specifically directing Noranda to produce, by the end of business on Wednesday, October 3, 2012, all of the information specified in the Order. The second order should further state that if Noranda fails to fully comply by that date, Mr. Smith's prepared testimony will be stricken and he will be denied the opportunity to testify in this case.

6. The hearing schedule in this case calls for Mr. Smith to testify on October 11<sup>th</sup>; consequently Ameren Missouri requests the Commission to expedite its consideration of this motion and the requests for relief made herein.

WHEREFORE, for the reasons stated in its motion, Ameren Missouri requests the Commission to issue an order that compels Noranda to fully and completely comply with the August 31<sup>st</sup> order or be penalized as described herein, and that provides the Company such other relief as the Commission deems appropriate.

Respectfully submitted,

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ATTORNEYS FOR  
UNION ELECTRIC COMPANY, d/b/a  
AMEREN MISSOURI

**Ameren Missouri- MIEC-015**

Data Information Request  
 From Union Electric Company d/b/a AmerenUE  
 MPSC Case No. ER-2012-0166

Requested From: Missouri Industrial Energy Consumers  
 Requested By: Russ Mitten  
 Date of Request: July 25, 2012

**Information Requested:**

Please provide copies of all annual and multi-year budgets and financial projections that Noranda has prepared for the New Madrid Smelter that encompass any or all of the years 2012 through 2015. Please identify all assumptions regarding Ameren Missouri's electric rates that were made and included in each such budget or financial projection.

**Response:**

|   | 2012F    | 2013F    | 2014F    | 2015F    | 2016F    |
|---|----------|----------|----------|----------|----------|
| Production (million pounds)                 | 584.5    | 585.5    | 585.5    | 585.5    | 585.5    |
| Total cost excluding power (\$ in millions) | \$ 365.6 | \$ 365.7 | \$ 369.8 | \$ 380.3 | \$ 388.1 |
| Total cost excluding power (\$/lb)          | \$ 0.63  | \$ 0.62  | \$ 0.63  | \$ 0.65  | \$ 0.66  |

Response Provided By Diana Vuylsteke. Date: September 20, 2012

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served via e-mail, on the following parties on the 28<sup>th</sup> day of September, 2012:

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