BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Noranda Aluminum, Inc., et al.,) Complainants v. Union Electric Company,) d/b/a Ameren Missouri, Respondent.)

File No. EC-2014-0223

RESPONSE TO AMEREN MISSOURI'S PROPOSED PROCEDURAL SCHEDULE

COMES NOW, Complainant Noranda Aluminum (Noranda), Missouri Industrial Energy Consumers (MIEC), the Office of the Public Counsel (OPC), Consumers Council of Missouri (CCM) and Missouri Retailers Association (MRA), and in response to Ameren Missouri's proposed procedural schedule filing state:

- Ameren Missouri's filing is a transparent attempt to conflate two separate and distinct cases, EC-2014-0223 and EC-2014-0224 with each other, and to conflate both of them with a hypothetical general rate case that Ameren has yet to file. The explanation is simple – for every day that Ameren hopes to delay relief for its customers it stands to garner an additional \$180,000 of unreasonable and unwarranted revenue from its customers.
- 2. Ameren suggests, without merit, that the cases are related in fact and law. EC-2014-0223 proposes to reduce Ameren's revenues to reduce its excess earnings; EC-2014-0224 asks the Commission to approve a change in the collection of Ameren's current revenue requirement. Ameren's not-yet-filed rate case will consider the impact on revenue requirement of plant that is not now in service and will not even be in service at the time Ameren anticipates that it might file its rate increase case. The relationship

among the cases, presently pending and hypothetical, is not sufficient to warrant delay or combination.

- 3. Ameren further misdirects attention to alleged resource constraints on the Commission Staff. This is not Staff's case. The burden of persuasion rests squarely on the Complainants, as the statute provides. The Commission should not permit Ameren to delay relief to its customers by imposing on Staff a burden that the pleadings and the statute put on Complainants.
- 4. Nor should the Commission permit Ameren to delay the proceedings in this case until it interferes with the hypothetical Ameren rate case. As Complainants' proposed procedural schedule shows, this case could be submitted for decision before Ameren even files its predicted rate case.
- 5. The Commission should disregard Ameren's complaints about the failure of this case to consider its investments that are not yet in service. If the plant is in service, Ameren can include it in its rebuttal testimony. The Commission should also note that it is anticipated that Ameren will file its rate <u>before</u> that plant is in service, gambling upon the true up to comprehend its in-service date. Ameren intends to benefit from timing its rate case filing, and the Commission should not permit it to deny the same timing benefit to Ameren's customers.
- 6. Ameren asserts that the Commission should not rely, in this case, upon Staff's studies from Ameren's last rate case, yet Ameren tacitly asks the Commission to continue to rely on all the evidence from that case by refusing to consider new evidence in this case.
- Ameren suggests the Commission delay all activity in this case until it rules on Ameren's pending motion to dismiss. Ameren cites the procedure in EC-2013-0377 and

8. EC-2013-0378 as authority, but the references are not persuasive. Those case

procedures were adopted by agreement of the parties; which is not the case here. Those

cases dealt with application of Commission rules on renewable energy, not with the rates

for service of Ameren. The procedures in those cases are not applicable here.

WHEREFORE, Noranda, MIEC, OPC, CCM and MRA ask the Commission to reject the

delay sought by Ameren, and adopt the procedural schedule proposed by Complainants.

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the above pleading have been e-mailed this 7th day of April, 2014, to the following parties of record:

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