

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

Noranda Aluminum, Inc. et al.,	)	
Complainants,	)	
v.	)	<b><u>Case No. EC-2014-0223</u></b>
Union Electric Company d/b/a Ameren Missouri,	)	
Respondent	)	

**PUBLIC COUNSEL’S RESPONSE TO MOTION TO DISMISS**

COMES NOW the Office of the Public Counsel and for its Response to Motion to Dismiss states as follows:

1. On February 12, 2014, Noranda Aluminum, Inc. and thirty-seven individual customers of Union Electric Company d/b/a Ameren Missouri filed a complaint against Ameren Missouri, alleging that Ameren Missouri’s current rates are excessive by a significant margin.
2. On March 17, Ameren Missouri filed a Motion to Dismiss Complaint, alleging that the complaint must be dismissed because it fails to state a claim upon which relief can be granted.
3. On March 26, the Staff of the Commission, by and through the Chief Staff Counsel, filed Staff’s Response and Suggestions in Opposition to Ameren Missouri’s Motion to Dismiss.
4. Public Counsel agrees with the Chief Staff Counsel’s analysis and conclusion that Ameren Missouri’s motion to dismiss must be denied. The Staff’s Response is thorough, concise and articulate, and Public Counsel concurs with it in its entirety.

WHEREFORE, Public Counsel respectfully states its agreement with Staff’s Response and Suggestions in Opposition to Ameren Missouri’s Motion to Dismiss and requests that the

Commission deny Ameren Missouri's Motion to Dismiss Complaint.

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been emailed to parties of record this 27<sup>th</sup> day of March, 2014:

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