BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Co-Mo Electric Cooperative for Approval of Designated Service Boundaries Within Portions of Cooper County, Missouri.

File No. EO-2022-0190

AMEREN MISSOURI'S MOTION FOR PROTECTIVE ORDER

)

)

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), and pursuant to 20 CSR 4240-2.135(4), requests issuance of a protective order respecting Ameren Missouri highly confidential information to be produced in this case, and requests that such order be issued on the terms ordered with respect to Co-Mo Electric Power Cooperative, Inc. ("Co-Mo") highly confidential information in the Commission's March 16, 2022 *Order Granting Motion for Protective Order*. In support of its request, Ameren Missouri states as follows:

1. This case involves the question of which of two competing electric suppliers, Co-Mo or Ameren Missouri, should serve a newly annexed area in the City of Boonville. Under the terms of the statute Co-Mo invoked when it filed its application initiating this case, §386.800.3, RSMo. (Cum. Supp. 2022), the Commission must consider seven enumerated factors and must process the case pursuant to its certificate of convenience and necessity rules. Those requirements necessitate presentation of evidence and information from each supplier that the Commission concluded could be used to the competitive disadvantage of the other supplier. That such information could be used to the competitive disadvantage of the other is evident since Co-Mo and Ameren Missouri have, do, and likely will compete to serve areas beyond the geographic area at issue in this case.

2. Just as Co-Mo did when filing an appendix to its application and certain schedules to its testimony that it marked as highly confidential ("HC"), Ameren Missouri will similarly be

1

filing testimony and/or schedules containing similar information that implicates the same issues raised by Co-Mo.

3. 20 CSR 4240-2.135(4) allows additional protection beyond that provided by a mere "confidential" designation upon the filing of a motion explaining what information must be protected, the harm that might occur if the information did not receive the additional protection, and an explanation of how the information may be disclosed while protecting the interests of the disclosing party and the public.

4. The information to be protected consists of detailed infrastructure plans and financial, rate, cost, and revenue assumptions and analyses respecting service to the area in question. The nature of this information is the same as the information for which Co-Mo has claimed HC treatment. The harm if the additional protection is not afforded would be to Ameren Missouri's competitive interests, as the Commission found was true of Co-Mo, since Ameren Missouri does have to compete with Co-Mo or other cooperatives for certain areas. The information may be disclosed while protecting Ameren Missouri's and the public's interests in the same way Co-Mo's HC information was protected, that is, by issuance of a protective order.

5. For the foregoing reasons, as found by the Commission in the above-referenced *Order Granting Motion for Protective Order* ("Co-Mo Protective Order"), and as addressed in the Commission's March 30, 2022 *Order Regarding Ameren Missouri's Motion to Allow Selected Access to Highly Confidential Information and Motion for Expedited Treatment* ("Selected Access Order"), Ameren Missouri requests issuance of a protective order for Ameren Missouri HC information as described herein, on the same terms and conditions set forth in the ordering provisions of the Co-Mo Protective Order. Ameren Missouri suggests that such an order be without prejudice to Co-Mo's ability to make a filing with the Commission and satisfactorily make the showing that Ameren Missouri made when it sought permission for certain selected individuals

to have access to Co-Mo's HC information. Should Co-Mo desire to make such a filing, such individuals should not have, now or prospectively, involvement in competition with Ameren Missouri, and should not have reporting relationships or otherwise be in the "chain of command" with those who do.¹

WHEREFORE, Ameren Missouri requests issuance of a protective order on the terms provided for herein.

Respectfully submitted,

/s/ James B. Lowery James B. Lowery, MO Bar #40503 JBL Law, LLC 3406 Whitney Ct. Columbia, MO 65203 Telephone: (573) 476-0050

ATTORNEY FOR UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

¹ This is a matter upon which agreement might be reached between Co-Mo and Ameren Missouri, depending on the details of any such proposal made by Co-Mo.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 30th day of March 2022, served the foregoing

either by electronic means, or by U. S. Mail, postage prepaid addressed to all parties of record.

/s/*James B. Lowery* James B. Lowery