

**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 TO ALLOW SELECTED
ACCESS TO HIGHLY CONFIDENTIAL INFORMATION
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri” or “Company”), and in response to the Commission’s March 16, 2022 *Order Granting Motion for Protective Order* (“Order”) and for its Motion for Expedited Treatment, states as follows:

Motion for Relief

1. The Order indicates that a remedy from the restrictions imposed by the Order is available if Ameren Missouri believes that specific employees should be allowed to view the highly confidential information. Order, p. 3. For the reasons outlined in this response, Ameren Missouri does hold that belief and thus seeks relief from the Order to the extent outlined herein.

2. The statute under which Co-Mo filed this case, § 386.800 (Cum. Supp. 2022) requires the Commission to consider, at a minimum, seven enumerated factors as the Commission considers Co-Mo’s request. The statute also requires that this case be processed under the Commission’s certificate of convenience and necessity (“CCN”) rules. Taken together, those statutory requirements implicate many if not all of the kinds of facts and issues the Commission typically considers in switch-of-supplier, territorial agreement, or other similar cases arising under the various statutes that are implicated by the interaction of electric cooperatives, municipal utilities, and investor-owned utilities like Ameren Missouri.

3. As the Commission is well-aware, parties to such cases typically present evidence and analysis to the Commission in such cases from experts – usually their own employees –

relating to the application of their rates and tariffs to customers who would be affected, the impact of the costs and revenues arising from the subject electric service on the utility, the ability to reliably serve the customers, and issues relating to wasteful duplication of facilities, safety, or other electrical infrastructure issues that necessarily exist when multiple providers may serve load in close proximity to other load. Properly and competently addressing such issues require experts in rates, tariffs, utility ratemaking and finance, and distribution planning.

4. To-date, Ameren Missouri has been unable to access the necessary, competent resources it needs to properly address such issues in this case, despite having experienced and competent personnel available to do so. While Ameren Missouri remains concerned with the approach taken by the Order and the implications of such an approach when a cooperative chooses to submit itself to the Commission's jurisdiction, as here, the Company will not ask the Commission to reconsider the Order. However, the Company is asking the Commission to allow Ameren Missouri a fair opportunity to utilize the resources it has – and needs – while remaining faithful to Co-Mo's concerns that the Commission obviously found to have some legitimacy.

5. As the Commission is likely aware, Ameren Missouri operates six operating divisions with direct responsibility for delivering electric service to customers. Each division is led by a Director, division engineers, and other division staff who are physically located, geographically, within the area covered by the Division. In the case of Co-Mo, the interfaces between Ameren Missouri and Co-Mo occur within Ameren Missouri's Central Division, whose Staff is headquartered in Jefferson City. It is those division personnel who would be involved in competitive activities with Co-Mo.

6. Ameren Missouri of course also has other employees who are located in St. Louis who do not have responsibilities for division operations, and who do not have responsibility for,

or involvement in, competitive activities with Co-Mo or any other cooperative. These employees also have no reporting relationships to or from division personnel.

7. In order to properly address the issues this case raises Ameren Missouri needs assistance and is likely to file testimony from two individuals. The first individual is Mr. Steve Wills, Ameren Missouri's Director of Rates and Tariffs. Mr. Wills, with support from one of his direct reports, Mr. Wade Miller, would address, primarily, factors (2) and (3) from § 386.800.2, and any other rate, economic, or tariff issues implicated by the statute and by the requirement that the case be processed under the CCN rules. The other individual is Mr. Jon Schmidt, a Supervising Engineer in the Company's overall Distribution Planning function, with support from one of his direct reports, Jim Vehaar. As noted, none of these individuals supervise, directly or indirectly, any division personnel, and none of these individuals are supervised by, directly or indirectly, any division personnel.

8. In considering Ameren Missouri's request, the Company asks the Commission to be mindful of the safeguards included in its confidential information rule. These individuals cannot use or disclose the information for any purpose other than the conduct of this case. 20 CSR 4240-2.135(13). The Company will also abide by the provisions of section (14) of the rule, respecting disposition of the materials once the case is over.

Motion for Expedited Treatment

9. The Company's rebuttal testimony is due on April 22. It is important that the Company obtain prompt access to the information so that the above-referenced experts can do their work. To that end, the Company requests that the Commission rule on the request reflected herein no later than its March 24, 2022 Agenda. This will avoid the ongoing harm to the Company's interests caused by the delay in its ability to utilize the information (which was due March 7 and not provided until three days later, and then only to the undersigned outside counsel). There will

be no negative effect on customers, the general public, or any party because the information will not be disclosed or used other than as allowed by the Commission's rules, nor will it be accessible to anyone that would be involved in competitive activities. The pleading was filed as soon as it could have been, and just three business days after the Order was issued, including after the undersigned counsel was able to consult and interface with the appropriate personnel who only became accessible to counsel this date.

WHEREFORE, for the reasons outlined herein, the Company prays that the Commission enter its order allowing access to highly confidential information in this case to the individuals identified above, once they have submitted the appropriate non-disclosure form, and that it expedite such order by issuing the same no later than March 24, 2022, when its next Agenda session will occur.

Respectfully submitted,

/s/ James B. Lowery

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**ATTORNEYS FOR UNION ELECTRIC
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 21st 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