

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

In the Matter of Ameren Missouri’s Submission)
of its 2015-2017 RES Compliance Plan and its)
2014 Compliance Report.) File No. EO-2015-0267

**AMEREN MISSOURI’S RESPONSE TO
FRED SAUER’S COMMENTS**

COMES NOW, Union Electric Company, d/b/a Ameren Missouri (“Ameren Missouri” or “Company”) and for its Response to Fred Sauer’s Comments filed on June 19, 2015 (“Comments”), states as follows:

1. On June 19, 2015, Fred Sauer (“Mr. Sauer”) filed Comments with the Missouri Public Service Commission (“Commission”) in this case.

2. The Commission issued its Order Directing Filing on that same date, ordering Ameren Missouri to respond to Mr. Sauer’s Comments by no later than June 29, 2015.

3. In the Comments, Mr. Sauer alleges deficiencies in the Company’s 2015-2017 RES Compliance Plan (“Plan”) in that it wrongly classified certain information as “highly confidential.” Specifically, Mr. Sauer cites the “total generational output from the Pioneer Prairie Wind Farm supplied to Ameren Missouri customers for the CY 2014...the number of [renewable energy credits] RECs acquired, sold, transferred, or retired by the utility during the calendar year...[and] the number of RECs being carried forward through the 3 year banking provision for the Pioneer Prairie Wind Farm.”

4. Ameren Missouri denies the alleged deficiencies cited in Mr. Sauer’s Comments. At 4 CSR 240-20.100(7), the Commission has set forth its rule regarding annual RES compliance reports. The Commission’s rule expressly contemplates that information the Company may be required to provide *to the Commission*, so that the *Commission* can determine the Company’s compliance with the state’s Renewable Energy Standards for electric

utilities, may contain information that is highly confidential or proprietary. 4 CSR 240-20.100(7)(A)2 and 3. The rule further contemplates that only annual RES compliance reports that have had highly confidential and proprietary materials redacted will be made available for public viewing. Id.

5. The information marked highly confidential is marked in that manner because making it public would reveal confidential contract information. The information marked highly confidential in the RES Plan is limited:

Page 7 shows the number of RECs received from Pioneer Prairie;
Page 9 shows the amount Pioneer Prairie is expected to add to the Company's REC bank balance;
Page 17 is the details for the Company's calculation of the 1% retail rate impact;¹
Page 19 is the list of executed contracts, which shows the amount of RECs anticipated to be delivered to Ameren Missouri; and
Page 21 is the RES compliance plan cost, which sets forth anticipated cost of the Pioneer Prairie contract.

Most of this information is highly confidential because it contains information specific to the Company's contract with Pioneer Prairie. This is a confidential contract and, because viewing that information would provide the public with the confidential terms of that contract (market specific information relating to goods purchased by the Company in providing services to customers) and provide insight to Ameren Missouri's contracting strategies for any future potential purchased power contract used to comply with the RES (strategies employed or to be employed in contract negotiations), it is properly marked as highly confidential. Some of this information also contains Ameren Missouri's forecasts of costs, which is information which would aid potential bidders who might desire to bid on the construction of a future wind or solar farm, as an example. This is also properly marked as highly confidential.

¹ Although not at issue in Mr. Sauer's comments, the 1% retail rate impact is confidential because of the multitude of forecasts and contract information which is used to make the calculation.

6. Finally, Mr. Sauer states that, without access to this information, it “...makes it difficult to determine the true cost and propriety of renewable energy purchased from the Pioneer Prairie Wind Farm which is necessary to determine the true cost and propriety of renewable energy.” This reasoning is almost identical to that of Renew Missouri, a party to File No. EO-2014-0291,² wherein it sought re-classification of certain information in the Company’s 2014 RES Compliance Report from highly confidential to public, on the grounds that the public had an interest in how the Company proposed to comply with the Renewable Energy Standards law and how the compliance would affect rates. The Commission noted that, “[h]ighly confidential information is available only to specified persons for specified purposes.”³ Further, the Commission found that Renew Missouri’s argument did not support its request to reclassify the information, citing Staff’s reasoning in that case, where Staff pointed out that the public was already a participant through its representative, the Office of the Public Counsel. The Commission denied Renew Missouri’s request.⁴ The same is true in this instance. Mr. Sauer’s attorney is able to review the requested information. The Office of the Public Counsel is able to review the requested information. The Staff is able to review the requested information. And certainly the Commission is able to review and rule upon the requested information. The process set forth by the Commission’s own regulations sets forth a balance between the value of public information and the need to protect certain confidential information. That balance protects the interests of all customers, even when specific customers cannot themselves see certain specific information for the reasons listed below.

² Even if a party challenges a highly confidential designation, the Commission may decline to reclassify such information. See, e.g. *Order Granting Motion to File Response Out of Time, and Denying Motion to Reclassify Information*, File No. EO-2014-0291.

³ Id. at p.3.

⁴ Id. at p.4.

7. Mr. Sauer's request should be denied because a claim that the public is interested in highly confidential information fails to state a basis which would allow for re-classification of information designated highly confidential.

WHEREFORE, Ameren Missouri respectfully requests that the Commission deny Mr. Sauer's request in his Comments filed on June 19, 2015, to re-classify certain highly confidential information as public.

Respectfully Submitted,

/s/ Wendy K. Tatro

Wendy K. Tatro, #60261

Director & Assistant General Counsel

1901 Chouteau Avenue, MC 1310

P.O. Box 66149

St. Louis, MO 63166-6149

(314) 554-3484 (phone)

(314) 554-4014 (facsimile)

amerenmoservice@ameren.com

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Response was served on the parties of record in this case via electronic mail (e-mail) on this 29th day of June, 2015.

/s/ Wendy K. Tatro _____
Wendy K. Tatro