

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

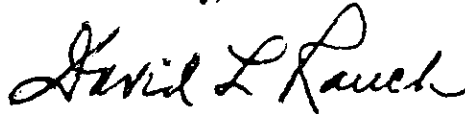
MAY 22, 1996

CASE NO: EM-96-149

James J. Cook, Joseph H. Raybuck, Attorneys, Union Electric Company, P.O. Box 149, (MC 1310),
St. Louis, MO 63166
Richard W. French, French & Stewart, 1001 Cherry St., Suite 302, Columbia, MO 65201
James C. Swearengen, Brydon, Swearengen & England P.C., 312 E. Capitol Ave., P.O. Box 456,
Jefferson City, MO 65102-0456
Gary W. Duffy, Brydon, Swearengen & England P.C., 312 E. Capitol Ave., P. O. Box 456,
Jefferson City, MO 65102-0456
Michael C. Pendergast, Assistant General Counsel, Laclede Gas Co., 720 Olive St., Room 1520,
St. Louis, MO 63101
Robert C. Johnson and Diana M. Schmidt, Peper, Martin, Jensen, Maichel and Hetlage,
720 Olive St., 24th Floor, St. Louis, MO 63101-2396
Susan B. Cunningham, Staff Attorney, Kansas City Power & Light Co., 1201 Walnut St.,
P.O. Box 418679, Kansas City, MO 64141-9679
Paul S. DeFord, Lathrop & Norquist, L.C., 2345 Grand Blvd., Suite 2500, Kansas City, MO 64108
Jeremiah W. Nixon, Attorney General, and Daryl R. Hylton, Assistant Attorney General,
221 W. High St., P.O. Box 899, Jefferson City, MO 65102
Marilyn S. Teitelbaum, Schuchat, Cook & Werner, 1221 Locust St., 2nd Floor, St. Louis, MO 63101
James M. Fischer, Attorney at Law, 101 W. McCarty St., Suite 215, Jefferson City, MO 65101
Lewis R. Mills, Jr., Deputy Public Counsel, Office of the Public Counsel, P.O. Box 7800,
Jefferson City, MO 65102

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,



**David L. Rauch
Executive Secretary**

Uncertified Copy:

Earl Eakins, 1649 State Highway N, Chaffee, MO 63740
Charles J. Fishman, President, Trigen-St. Louis Energy Corporation, One Ashley Place,
St. Louis, MO 63102
Jim Berger, Asst. Business Manager, Local 309, IBEW, 2000 Mall St. (Rte 157),
Collinsville, IL 62234
Dave White, Business Manager, Local 2, IBEW, 209 Flora Dr., P.O. Box 1045,
Jefferson City, MO 65102
Michael Datillo, Business Manager, Local 1455, IBEW, 5570 Fyler Ave., St. Louis, MO 63139
Gary Roan, Business Manager, Local 702, IBEW, 106 N. Monroe, West Frankfort, IL 62896
John W. McKinney, Missouri Public Service, 10700 E. 350 Highway, P.O. Box 11739,
Kansas City, MO 64138
Robert B. Fancher, Vice President-Finance, Empire District Electric Co., 602 Joplin, P.O. Box 127,
Joplin, MO 64801
Kenneth J. Neises, Senior Vice President-Gas Supply & Regulatory Affairs, Laclede Gas Co.,
720 Olive St., Room 1514, St. Louis, MO 63101
Joe Lakshmanan, Illinois Power Company, 500 South 27th St., P.O. Box 511,
Decatur, Illinois 62525
F. Jay Cummings, Vice President, Rates & Regulatory Affairs, Southern Union Gas Co.,
504 Lavaca, Suite 800, Austin, TX 78701
Thomas M. Byrne, Attorney for Mississippi River Transmission Corporation, 9900 Clayton Rd.,
St. Louis, MO 63124

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 22nd
day of May, 1996.

In the Matter of the Application of Union)
Electric Company for an Order Authorizing:)
(1) Certain Merger Transactions Involving)
Union Electric Company; (2) the Transfer)
of Certain Assets, Real Estate, Leased) Case No. EM-96-149
Property, Easements and Contractual)
Agreements to Central Illinois Public)
Service Company; and (3) in Connection)
therewith Certain Other Related Transactions)

ORDER REGARDING MOTION TO DECLASSIFY DOCUMENTS

On November 7, 1995, Union Electric Company (UE) filed an application with the Commission requesting an order from the Commission authorizing certain merger transactions. On November 30, 1995; UE filed a motion for issuance of a protective order, which motion was granted by order of the Commission on December 13, 1995.

On May 3, 1996, the Office of the Public Counsel (OPC) filed a motion to declassify certain documents submitted to the OPC by UE in response to various data requests. In its motion, the OPC states that four sets of documents from UE were received by the OPC as the result of data requests that the OPC maintains should be declassified and made a matter of public record. The OPC maintains that UE has never explained how the release of the information can damage it other than the reasons for classification as set out in the Commission's protective order. The OPC seeks complete declassification based on reasoning as follows:

"It is patently unfair for UE to publicly disclose information that supports its position, but then to designate as highly confidential or proprietary similar information that undercuts this position.

The information that Public Counsel seeks to declassify in this motion is exactly the same type of information that UE used to develop its "sharing" proposal. By allowing (sic) If UE can simply check a box on a cover sheet, and thereby designate an entire 40-page (or longer) document as highly confidential, the burden of proof effectively shifts to the challenging party to argue why a document is **not** highly confidential since UE has not provided any detailed information as to why it is highly confidential. This shift is not consistent with the Commission's Protective Order."

In its response UE states that it has no objection to the declassification of the documents listed in the OPC motion as "Attachment No. 5." As UE has voluntarily declassified this set of documents, this portion of the OPC motion is moot and requires no further Commission action.

UE does not wish to declassify those documents designated as Attachments No. 3, 4, and 6 in the OPC motion.

Attachment No. 3 consists of one sheet of paper. UE states that the information contained on the sheet would be very helpful to vendors and competitors in dealing with UE and should, therefore, remain protected as confidential financial and business information. Upon review of this document, the Commission is not persuaded that the information contained in the document can be of any value whatsoever to vendors or competitors. The Commission finds the document to contain no information which should, appropriately, be classified as proprietary or highly confidential. The Commission will order UE to declassify Attachment No. 3 of the OPC motion, making the one-page document a matter of public record.

In regard to Attachments No. 4 and 6, UE states that these sets of documents contain sensitive financial and business information presented to the UE Board of Directors by a consultant. UE continues that the

information in the attachments contains market and business predictions which are not appropriate for the public domain.

After review, the Commission is convinced that UE is accurate in its characterization of the information contained in Attachments No. 4 and 6. The information contained in these sets of documents is clearly sensitive financial and business information for which the Commission's protective order was designed. In regard to OPC Attachments No. 4 and 6, the motion of the OPC to declassify is denied.

IT IS THEREFORE ORDERED:

1. That the motion of the Office of the Public Counsel to declassify Attachment No. 3 to its motion is hereby granted and Attachment No. 3 to the motion is made public record.

2. That the motion of the Office of the Public Counsel to declassify Attachments No. 4 and 6 is denied for the reasons as set out above.

3. That the Office of the Public Counsel's motion to declassify Attachment No. 5 to its motion is moot.

4. That this order shall become effective on June 4, 1996.

BY THE COMMISSION



**David L. Rauch
Executive Secretary**

(S E A L)

Zobrist, Chm., Kincheloe,
Crumpton, and Drainer, CC., Concur.
McClure, C., Absent.

ALJ: Derque

Derque / Hagemeyer

CASE NO. EM-96-149

K.J.
 Chairman
Ken? absent
 Commissioner
[Signature]
 Commissioner
[Signature]
 Commissioner
[Signature]
 Commissioner

3/1584c

*4-0, AIS
5/22*

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 22 day of MAY, 1996.

David L Rauch

David L. Rauch
Executive Secretary