

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

In the Matter of the Application of Co-Mo)
Electric Cooperative for Approval of) Case No. EO-2022-0190
Designated Service Boundaries Within)
Portions of Cooper County, Missouri)

**REPLY TO AMEREN MISSOURI’S RESPONSE TO CO-MO’S
MOTION FOR PROTECTIVE ORDER**

COMES NOW Co-Mo Electric Cooperative (Co-Mo), and for its Reply to Ameren Missouri’s Response to Co-Mo’s Motion for Protective Order states as follows:

1. 20 CSR 4240-2.135 (4) states, “The commission may order greater protection than that provided by a confidential designation upon a motion explaining what information must be protected, the harm to the disclosing entity or the public that might result from disclosure of the information, and an explanation of how the information may be disclosed while protecting the interests of the disclosing entity and the public.

(A) While such a motion is pending, the disclosing party requesting greater protection will be afforded the protection sought. However, in all circumstances, the disclosing party must, at a minimum, provide a detailed summary of the information at issue.

(B) Any document that contains such information shall bear the designation "Highly Confidential," rather than "Confidential," but shall otherwise follow the formatting delineated in section (10) of this rule.”
2. The recent Amendment to RSMo 386.800 giving rise to the present action created new procedural rules to be followed by Rural Electric Cooperatives creating a new obligation to provide the Commission with information they would not normally disclose outside their organizations.
3. Because Co-Mo as a Rural Electric Cooperative does not generally anticipate a requirement to produce such documents as would a regulated utility or a municipal utility subject to sunshine laws, it is not accustomed to limiting the nature or scope of information contained in its business documents.

4. Further, Co-Mo and Ameren Missouri engage in competition beyond the geographic scope of the present case. Disclosure of the information contained in Appendix H may place Co-Mo at a competitive disadvantage if disclosed beyond that which is necessary for legal counsel to prepare pleading and arguments in this case.
5. Therefore, Co-Mo requests the feasibility study, Appendix H, only be disclosed to Ameren Missouri's legal counsel for the purpose of preparing its responsive pleadings and arguments in this case. Thereafter, if Ameren Missouri's legal counsel believes further disclosures are justified in preparing Ameren's defense to the present action, counsel should be required by the Commission to seek an Order of the Commission authorizing and proscribing the permitted scope of such further disclosure.
6. Co-Mo suggests applying the framework recommended by Ameren Missouri in EA-2018-0202, *In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Construct a Wind Generation Facility*. In that case the "highly confidential" material was requested by Ameren Missouri to be limited only to parties' legal counsel and outside experts retained by said counsel. Further, Co-Mo proposes using the Non-disclosure Agreements attached hereto as Exhibits A and B for purposes of implementing the Commission's Order or Protection.
7. All requirements of 20 CSR 4240-2.135 have been satisfied and no reason exists for the Commission to deny Co-Mo's reasonable request under the circumstances.

WHEREFORE, Co-Mo respectfully requests that the Commission issue its protective order in this proceeding with respect to Co-Mo's highly confidential financial information to be late-filed as **Appendix H** to Co-Mo's Application.

Respectfully submitted,

/s/ Megan E. Ray

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CERTIFICATE OF SERVICE

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