

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

In the Matter of Ameren Missouri's Renewable Energy )  
Standard Compliance Report 2013 and Renewable )  
Energy Standard Compliance Plan 2014-2016 )

**File No. EO-2014-0291**

**STAFF'S REPLY AND RECOMMENDATION TO DENY MOTION  
TO RECLASSIFY INFORMATION AS PUBLIC**

**COMES NOW** Staff of the Missouri Public Service Commission, by and through the undersigned counsel, and for its Reply and Recommendation states to the Missouri Public Service Commission as follows:

**Background**

1. On April 29, 2014,<sup>1</sup> Earth Island Institute d/b/a Renew Missouri (“Renew Missouri”) filed its *Motion to Reclassify Information as Public* (“*Motion*”) in the above styled docket. In its *Motion*, Renew Missouri requested that the Commission reclassify as public certain information that Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) marked as Highly Confidential on pg. 17 of its 2014-2016 *RES Compliance Plan* (“HC information”). Renew Missouri argues that the general public has an interest in accessing information on Ameren Missouri’s Renewable Energy Standard (“RES”) compliance strategy and estimated cost impacts of such compliance, particularly how the proposed compliance plan will impact rates. Renew Missouri also argues that the HC information would aid the proceedings in File No. EW-2014-0092, by allowing interested parties “...to provide input on, among other things, how the calculation required by Section (5)(B) should be performed.”

2. Renew Missouri’s *Motion* also requested that the Commission issue an

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<sup>1</sup> All dates herein refer to calendar year 2014 unless otherwise specified.

order reclassifying the HC information as public information should Ameren Missouri fail to respond to the *Motion* within ten (10) days of the filing.

3. On May 13, Ameren Missouri filed its *Response to Renew Missouri's Motion to Reclassify Information as Public and Request to Accept Response Out of Time* (“*Response*”). In its *Response*, Ameren Missouri requested that the Commission deny Renew Missouri's *Motion* and maintain the designation of the HC information stating that the HC information includes estimated capital costs, decisions on the timing of new resources, and forecasted yearly revenue requirements, which are all covered by Commission Rule 4 CSR 240-2.135(1)(B)(4). Ameren Missouri also requested that the Commission accept its response outside the time allotted for response by Rule 4 CSR 240-2.135(12)(A).

#### **Discussion and Recommendation**

4. Staff recommends the Commission deny Renew Missouri's *Motion*. Staff agrees that the HC information properly fits the scope of such designation under Commission Rule 4 CSR 240-2.135(1)(B)(4). Release of the HC information could affect the bidding process for the included renewable projects by sending a signal to contractors through Ameren Missouri's projection of future construction costs. Any resulting increase in construction costs (otherwise prudently paid by Ameren Missouri) will ultimately increase customers' rates, certainly a concern of the public.

5. The Commission must weigh the public's interest in such information against a utility's interest in keeping this type of HC information designated as confidential. The public's interest in evaluating the accuracy and impact of this information is represented thoroughly by the Office of the Public Counsel, is also a part

of the balancing of interests within Staff's responsibility before the Commission, as well as being represented by the attorneys and consultants for the various interveners.

6. Staff will note that except for the other regulated electric utilities and Wind on the Wires, the stakeholders in File No. EW-2014-0092 are also parties to this case. As such, either their attorneys or external consultants have access to the HC information and can generally use the information to form the party's opinion and "...provide input on, among other things, how the calculation required by Section (5)(B) should be performed."

7. Staff recommends the Commission accept Ameren Missouri's *Response* out of time and not issue an order reclassifying the HC information as public information. Commission Rule 4 CSR 240-2.135(12)(B) states, "If the asserting party fails to file the pleading required by this section, the commission *may* order that the designated information be treated as public information (*emphasis added*). Since the rule does not require the Commission to grant a motion for reclassification when a party fails to file a pleading defending the original classification and Ameren Missouri has provided good cause for why it should not be reclassified, Staff recommends the Commission deny Renew Missouri's *Motion*.

**WHEREFORE**, Staff respectfully submits this reply and recommends the Commission issue an order to accept Ameren Missouri's *Response* out of time and deny Renew Missouri's *Motion* to reclassify the HC information as public information.

Respectfully submitted,

**/s/ Alexander Antal**

Alexander Antal  
Assistant Staff Counsel  
Missouri Bar No. 65487

Jennifer Hernandez  
Senior Staff Counsel  
Missouri Bar No. 59814

Attorneys for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8517 (Telephone)  
(573) 751-9285 (Fax)  
Alexander.Antal@psc.mo.gov (e-mail)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been electronically mailed to all counsel of record this 23<sup>rd</sup> day of May 2014.

**/s/ Jennifer Hernandez**