

April 29, 2003

FILED³

APR 30 2003

Missouri Public
Service Commission

Mr. Dale Hardy Roberts, Secretary
Missouri Public Service Commission
200 Madison Street Suite 100
Jefferson City, MO 65101

Dear Mr. Roberts:



We are enclosing two copies of the electric report – (1) a copy including all required pages labeled “Contains Privileged Information – Do Not Release” and (2) a copy with the pertinent pages removed for which we are seeking the confidential treatment. Please also find one original and fourteen (14) copies of the “Request of Union Electric Company for Confidential Treatment of Certain Data Contained in FERC Form No. 1” referencing our confidentiality request.

Comments regarding our request for confidentiality should be addressed to Joseph Raybuck at Ameren Services Company, 1901 Chouteau Avenue, Mail Code 1310, St. Louis, MO 63103.

Please acknowledge receipt of this filing by stamping as filed a copy of this letter and returning it to the undersigned in the enclosed, self-addressed, stamped envelope.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. L. Waters".

G. L. Waters
Assistant Secretary

GLW:kab
Enclosures

cc: Office of the Public Counsel
200 Madison Street Suite 650
Jefferson City, MO 65101

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

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Missouri Public
Service Commission

Application of Union Electric)
Company For Confidential Treatment)
of Certain Reports Filed)
with the Missouri Public Service)
Commission)

Case No. EO-2003-_____

**REQUEST OF UNION ELECTRIC COMPANY
FOR CONFIDENTIAL TREATMENT OF CERTAIN DATA
CONTAINED IN FERC FORM NO. 1: ANNUAL REPORT OF MAJOR ELECTRIC
UTILITIES, LICENSEES, AND OTHERS**

COMES NOW Union Electric Company (d/b/a AmerenUE), pursuant to 4 CSR 240-10.080 (7), and requests the Missouri Public Service Commission ("Commission") to enter a protective order covering the attached reports and holding the same as confidential, and in support thereof, states:

1. AmerenUE is a public utility subject to the jurisdiction of the Missouri Public Service Commission.
2. Pursuant to section 393.140 RSMo, the Commission requires AmerenUE to file its Annual Report and therein report statistics and information listing highly confidential and proprietary information regarding its generation assets.
3. Section 4 CSR 240-10.080 (7), which governs filing of the Annual Report, states:
 - (7) Where a utility subject to this rule considers the information requested on the annual report form to be confidential, it must make a written request to the executive secretary to file that information under seal and state good cause for maintaining the information under seal. The executive secretary shall then, through the general counsel, present that request to the commission for approval. The executive secretary shall inform the utility within three (3) days of the commission decision whether the request has been granted.

4. The Commission has previously granted requests for confidential treatment of information set forth in the Annual Report. AmerenUE sought a similar request for confidential treatment last year, and the Missouri Public Service Commission Staff issued a Staff Recommendation in support. The MPSC Staff stated it "...considers that good cause exists to grant Union Electric's request for confidentiality." The Staff acknowledged it would be able to obtain the information whether or not it was publicly available. Application of Union Electric Company, MPSC Dkt. No. EE-2001-606, Staff Recommendation at ¶ 6 (April 1, 2002). See also, In the Matter of the Application of Laclede Gas Company to Close Certain Information Presented in its 1997 Annual Report, Case No. GO-98-461 (1998). In the Laclede case, the Commission stated:

Pursuant to Sections 392.210 and 393.140, the Commission requires public utilities to file certain information with the Commission in the form of an annual report. The requirements are implemented by an order of the Commission adopting 4 CSR 240-10.080. Under this rule the Commission treats annual report information as an open public record. However utilities subject to this rule may make written application for the closure of annual report information where a utility considers information requested to be confidential and states good cause (the need or basis) to maintain the information as confidential. Where such an application is made and the information is not otherwise required to be open by law, the Commission may approve the application.

(Id., p. 1).

5. The price of electricity in the region in which AmerenUE operates is set by competitors of AmerenUE and its affiliates, at least in part, on the basis of their understanding of costs of the Ameren System. Accordingly, the price at which such competitors offer to sell power may not be the lowest price at which they can sell power into the market. For that reason, public disclosure of this proprietary and commercially sensitive data of AmerenUE and other investor-owned utilities undermines the efficient operation of the markets for electricity and

energy services by allowing competitors to increase their prices up to the costs of suppliers such as AmerenUE. Competitors of utilities such as AmerenUE and its affiliates will seek to derive a competitive advantage whenever and wherever they can. It cannot be denied that knowledge about a competitor's cost structures would increase the ability of competing power marketers to succeed in newly-competitive wholesale and retail electric service markets.

6. AmerenUE fully appreciates the need for the public to have access to certain data and information from regulated entities. However, who is the "public" that would benefit from the disclosure of this confidential and proprietary data? The public consists of competitors, and surely there is no bonafide reason for them to have access to this data and information. Indeed, their access to this data and information will not support a marketplace for electricity but instead undermine those principles that support free enterprise. The public is also made up of two classes of customers. The first class of customers is bundled customers or captive customers. These customers may continue to take service from AmerenUE as they have traditionally done in the past. These customers are not interested in buying power and energy in the marketplace, and instead rely upon the regulators to ensure they are paying just and reasonable rates. The remaining customers are customers interested in buying power and energy in the retail market. These customers will buy power and energy from power marketers and other generation-only companies. As indicated above, these entities are in effect competitors of AmerenUE and so providing confidential data and information to the suppliers of these customers will not provide the best price as determined by a true market, but a price that is a shade less of what AmerenUE might otherwise be selling power and energy. When the various components of the "public" are considered, it becomes obvious that the confidential treatment of the subject data will not be a detriment to the operation of the wholesale power or retail markets, and has no bearing on

identifying possible abuses of market power.

7. AmerenUE intends to file for confidential treatment with the FERC for its 2003 Form 1 Report. This request will be filed on or before the date the Form 1 is due to be filed on May 1, 2003. Should FERC deny confidential treatment of the information contained in the Form 1, AmerenUE would withdraw or modify its request to the Commission to the same extent.

8. The attached Exhibit A references the Schedules for which AmerenUE is requesting confidential treatment along with the reasons why this data should be so considered.

9. As set forth in Exhibit A, and also in the affidavit of the undersigned attorney on behalf of AmerenUE, such reports contain highly sensitive confidential and proprietary information which if made available to the public would harm AmerenUE in the conduct of its business and provide unfair advantage to its competitors. Further, none of the information for which confidential treatment is sought is currently available to the public.

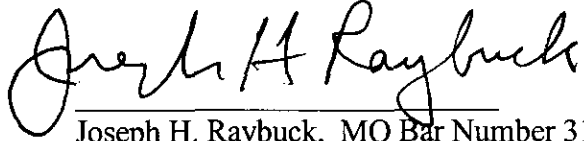
10. AmerenUE will request that similar reports filed with the Federal Energy Regulatory Commission and with the Illinois Commerce Commission be maintained on a confidential basis.

11. AmerenUE is enclosing herewith copies of its Annual Report marked "confidential" and also non-confidential versions of the same report.

WHEREFORE, AmerenUE respectfully requests the Commission to enter its order granting confidential treatment to those portions of the Annual Report identified herein.

Respectfully submitted,

UNION ELECTRIC COMPANY

A handwritten signature in black ink, reading "Joseph H. Raybuck". The signature is written in a cursive style with a large, stylized initial "J".

Joseph H. Raybuck, MO Bar Number 31241
Managing Assistant General Counsel
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P.O. Box 66149 (M/C 1310)
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Listing of FERC Form 1 Schedules for which Union Electric Company is seeking privileged and confidential treatment

Page	Title	Sensitive Data Contained
202-203	Nuclear Fuel Materials	Nuclear fuel cost data allows competitors to determine the Company's cost for this type of fuel. They can also determine the volume of nuclear fuel stock of the Company.
204-207	Electric Plant in Service	Details of the magnitude of plant and equipment owned by the Company as well as volume of capital additions during the year. The Company has only one nuclear plant leaving information regarding this plant especially exposed.
214	Electric Plant Held for Future Use	Strategic planning information. Knowledge of each separate property held by AmerenUE for future use would advise potential competitors regarding its plans (or lack of plans) for development of new generating capacity.
216	CWIP – Electric	Strategic planning information re: new capital investments. Outside parties can determine which areas the Company is focusing on.
219	Accumulated Provision for Depreciation of Electric Utility Plant	The Company has only one nuclear plant leaving information regarding the net book value of this plant especially exposed.
228-229	Allowances	Emission allowance inventory and activity levels allow others to know our status and strategy. Contracts between buyers and sellers are confidential.
304	Sales of Electricity by Rate Schedules	Specifics of mwh sold, revenue derived, average number of customers, kwh per customer, and revenue per kwh by rate schedule. Making this type of detailed

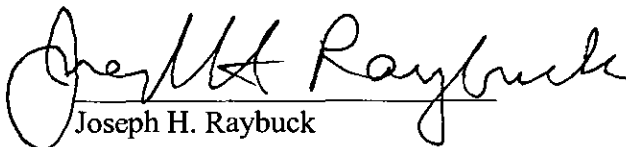
		information public puts reporting companies at a disadvantage with companies not required to disclose this information.
310-311	Sales of Resale	Competitive information such as customer names and revenue disclosed to outside parties. Allows competitors to develop marketing strategies to invade the Company's markets by knowing buyers' names. Since not all electricity providers have to report this information, the Company is put at a competitive disadvantage in the wholesale electric market.
320-323	Electric O&M Expenses	Detailed operations and maintenance costs by function, especially production, allow competitors to determine the efficiency of the Company's activities. It can also be used against the Company in the event of a hostile takeover attempt or in an organized labor movement situation.
326-327	Purchased Power	Sensitive contract and pricing information shows competitors how much the Company is paying for power purchases – effects negotiating abilities on future purchases. This data can be used by competitors to gain a competitive advantage, especially those not required to make this information public.
328-330	Transmission of Electricity for Others	Very detailed data by customer and rate indicating the provider, receiver, revenue, etc. Competitors can use this information, along with costs of purchased power, to determine delivered costs.
332	Transmission of Electricity by Others	Cost information by provider impacts future negotiating abilities. Competitors can use this information, along with costs of purchased power, to determine delivered costs.

352-353	Research & Development	Shows where the Company is focusing development efforts; future technological direction of the Company. Could be used against the Company by others in situations requiring expertise and investment in new areas.
354-355	Distribution of Salaries & Wages	Details of labor costs by function reveal sensitive data to our competitors. Average salaries of the Company's work force can be calculated. Disclosing this data puts the Company at a disadvantage to those not required to report this information. It can also be used against the Company in the event of a hostile takeover attempt or in an organized labor movement situation.
401	Electric Energy Account / Monthly Peaks & Output	Sources and disposition of energy as well as monthly operating data regarding energy and peaks allows competitors to determine operation cycles and volumes.
402-409	Generating Plant Statistics	Extremely sensitive operating cost data by each individual plant. Fuel and other costs provide competitors with a clear picture of operations and efficiencies. Disclosure of plant details puts the Company at a disadvantage in the event of a hostile takeover attempt.

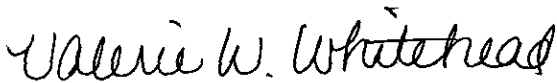
AFFIDAVIT

Joseph H. Raybuck, first duly sworn states that he is an attorney representing AmerenUE, that he is authorized to submit this Request, and that the facts stated therein are true and correct to the best of his knowledge, information and belief.

Affiant further states that the information contained in the Annual Report for which confidential treatment is sought contains highly sensitive confidential and proprietary information which if made available to the public would harm AmerenUE in the conduct of its business and provide unfair advantage to its competitors. Further, none of the information for which confidential treatment is sought is currently available to the public.


Joseph H. Raybuck

Subscribed and sworn to before me this 29th day of April, 2003.


Notary Public

My commission expires:

