

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Union Electric Company)
d/b/a Ameren Missouri's Tariffs to Decrease) **File No. ER-2019-0335**
Its Revenues for Electric Service)

ORDER DENYING MOTION TO COMPEL

Issue Date: February 25, 2020

Effective Date: February 25, 2020

On February 4, 2020, Sierra Club filed a statement regarding its discovery dispute with Union Electric Company d/b/a Ameren Missouri. That statement and Ameren Missouri's preliminary responses were discussed at discovery conferences held on February 5 and 10, 2020. At the February 10, 2020, discovery conference, the regulatory law judge authorized Sierra Club to file a motion to compel with a request for expedited treatment. Sierra Club filed its motion to compel on February 11, 2020, and Ameren Missouri filed a response to the motion on February 19, 2020. Sierra Club also filed a request for a decision from the Commission no later than February 27, 2020.

The dispute arose from Sierra Club's Data Request 6.3 (DR 6.3). In DR 6.3, Sierra Club requested, "[a]s part of Ameren's 2020 [Integrated Resource Plan (IRP)], produce an unredacted copy of all documents created to date." Ameren Missouri timely objected on the grounds that DR 6.3:

seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, is vague, and is overly broad and unduly burdensome. . . . [T]he DR also likely seeks information protected by the attorney-client and work product privileges insofar as work respecting an upcoming triennial resource plan filing involves confidential communications with counsel respecting the content of the ultimate filing, and all such work is done in anticipation of litigating the triennial filing itself.¹

¹ Ameren Missouri's response letter to DR 6.3, dated December 17, 2019.

In its motion, Sierra Club makes several arguments about why the information it is requesting is relevant. Ameren Missouri, in response, makes arguments about why the information, if relevant, is privileged under the work-product doctrine. However, the Commission need not rule on those arguments because the Commission finds that Sierra Club's request is overly broad in that it asks for "all documents created" relating to the future 2020 IRP, without limiting that request to documents related to any issue before the Commission in this rate case. Ameren Missouri's objection that DR 6.3 is overly broad is sustained.

THE COMMISSION ORDERS THAT:

1. Sierra Club's Motion to Compel and Motion for Expedited Treatment is denied.
2. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Nancy Dippell, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 25th day of February, 2020.