

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 10th day of August, 2022.

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 Renewable)
Generation Facility)

File No. EA-2022-0244

ORDER GRANTING PROTECTIVE ORDER

Issue Date: August 10, 2022

Effective Date: August 10, 2022

On July 7, 2022, Union Electric Company d/b/a Ameren Missouri filed an application for a Certificate of Convenience and Necessity (CCN) authorizing it to construct, install, own, operate, maintain, and otherwise control and manage a 200 megawatt solar generation facility in Audrain and Ralls Counties, Missouri pursuant to a Build Transfer Agreement (BTA) with EDF Renewables Development. On that same date, Ameren Missouri filed a *Motion for Protective Order* seeking an order designating as “Highly Confidential” under Commission Rule 20 CSR 4240-2.135(4) the following:

(1) the negotiated terms and conditions of the BTA (and documents reflecting such terms and conditions) (BTA Terms) attached to the direct testimony of Ameren Missouri witness Scott Wibbenmeyer;

(2) cost and pricing information and the BTA Terms reflected in Wibbenmeyer’s direct testimony;

(3) the terms and conditions of agreements (and documents reflecting such terms and conditions) with entities who will construct the solar and transmission-related assets covered by the BTA; and

(4) responses (and documents reflecting responses) to Ameren Missouri's solar generation Request for Proposal (RFP).

The Commission set a deadline of July 21, 2022, for any responses to Ameren Missouri's motion. On July 21, 2022, the Staff of the Commission (Staff) filed *Staff's Suggestions in Opposition to Ameren Missouri's Motion for a Rule 20 CSR 4240-2.135(4) Protective Order*. Staff argued that the information at issue is already addressed under the standard for confidentiality, set out in 20 CSR 4240-2.135(2)(A)6.

On July 29, 2022, Ameren Missouri filed *Ameren Missouri's Response to Staff's Suggestions in Opposition to Ameren Missouri's Motion for a Rule 20 CSR 4240-2.135(4) Protective Order*. In its *Response*, Ameren Missouri argues that, while the information for which it seeks "highly confidential" protections may fall within the definitions of confidential information under Commission Rule 20 CSR 4240-2.135(2)(A), the greater protection provided by "highly confidential" designation under Commission Rule 20 CSR 4240-2.135(4) is necessary so that employees of any non-state agency entities not covered by statutory confidentiality requirements who may become parties to this case cannot access the information.

The Commission agrees with Ameren Missouri and will grant a protective order.

THE COMMISSION ORDERS THAT:

1. Ameren Missouri's *Motion for Protective Order* is granted as to the following information designated by Ameren Missouri as "highly confidential":

- a. the negotiated terms and conditions of the Build Transfer Agreement (BTA) (and documents reflecting such terms and conditions) (BTA Terms) attached to the direct testimony of Ameren Missouri witness Scott Wibbenmeyer;
- b. cost and pricing information and the BTA Terms reflected in Scott Wibbenmeyer's direct testimony;
- c. the terms and conditions of agreements (and documents reflecting such terms and conditions) with entities who will construct the solar and transmission-related assets covered by the BTA; and
- d. responses (and documents reflecting responses) to Ameren Missouri's solar generation Request for Proposal (RFP).

2. Information designated by Ameren Missouri as "highly confidential" shall be disclosed only to attorneys of record for all parties, to state agency parties and their employees covered by statutory confidentiality requirements, and to designated outside experts of any non-state agency party.

3. Except for attorneys of record for all parties, and employees of state agency employees covered by statutory confidentiality requirements, all persons authorized to access "confidential" information in this case shall complete the nondisclosure agreement attached to this order as Exhibit A.

4. Except for attorneys of record for all parties, and employees of state agency employees covered by statutory confidentiality requirements, all persons authorized to access “highly confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit B.

5. This order shall be effective when issued.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Seyer, Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: EA-2022-0244

(To Access Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the _____ day of _____, 20____.

I have requested review of the confidential information produced in Case No. EA-2022-0244 on behalf of _____.

I hereby certify that:

(a) Only employees of a party that are acting as an expert for that party or that have been retained for this case as an outside expert for that party may receive confidential information;

(b) An employee is a person in the service of his or her employer whose services are controllable by the employer.

(c) I am employee of _____[state name of intervenor] acting as its expert and/or its employee who intends to file testimony in this docket, or I am an outside expert for _____[state name of intervenor] retained to provide expert consultation or testimony in this docket; and

(d) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135.

Dated this _____ day of _____, 20____.

NONDISCLOSURE AGREEMENT

For Case No.: EA-2022-0244

(To Access Confidential Information)

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Signature & Title

Employer

Party

Address

Telephone

E-Mail Address

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: EA-2022-0244

(To Access Highly Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the _____ day of _____, 20____.

I have requested review of the highly confidential information produced in Case No. EA-2022-0244 on behalf of _____.

I hereby certify that:

(a) Only an outside expert retained by a party in this case may receive highly confidential information;

(b) I am an employee of _____ acting as an outside expert for [state name of intervenor] _____ retained to provide expert consultation or testimony in this docket;
and

(c) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

Dated this _____ day of _____, 20____.

NONDISCLOSURE AGREEMENT

For Case No.: EA-202-0244

(To Access Highly Confidential Information)

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Signature & Title

Employer

Party

Address

Telephone

E-Mail Address


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 10th day of August, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

August 10, 2022

File/Case No. EA-2022-0244

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.