

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 25<sup>th</sup> day  
of January, 2023.

In the Matter of the Application of Union        )  
Electric Company d/b/a Ameren Missouri        )  
for Approval of a Subscription-Based         )  
Renewable Energy Program                    )     **File No. EA-2022-0245**

**ORDER DENYING REQUEST FOR PROTECTIVE ORDER**

Issue Date: January 25, 2023

Effective Date: January 25, 2023

On January 6, 2023, the Staff of the Commission (Staff) filed its objections to Union Electric Company d/b/a Ameren Missouri’s (Ameren) Data Request 1.1. As part of its pleading, Staff requested the Commission issue a “protective order that Staff not be required to answer or respond to Ameren Missouri’s data request.”<sup>1</sup> No response to Staff’s request has been filed.

The Commission’s rule regarding data requests is 20 CSR 4240-2.090(2). Subsection (D) of that rule provides that if a party that receives a data request objects to that data request, it is to serve its objections on the requesting party. The rule does not require that the objection be filed in the Commission’s case file. Unless the requesting party decides to file a motion to compel responses to the objected to data request, neither the data request, nor the objections will come to the attention of the Commission in the case. If a motion to compel is filed, the data request and objections could be put before the Commission for resolution at that time. The Commission also has a rule regarding the

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<sup>1</sup> *Staff’s Objections to Ameren’s First Set of Data Requests to Staff*, (filed January 6, 2023), p. 1.

informal discovery dispute resolution process 20 CSR 4240-2.090(8) which must be followed before any written discovery motion is filed.

The Commission also has a rule regarding protecting confidential information— 20 CSR 4240-2.135. Section (3) of that rule sets out the procedure for requesting a protective order, Section (4) sets out the procedure for getting greater than “confidential” protection for information, and Section (5) sets out the procedure for the responding party to designate data request responses as “confidential” without the need for a Commission order.

Although Staff used the term “protective order,” Staff is requesting a Commission order stating that it does not have to “answer or respond” the data request. Staff’s request is premature. Ameren Missouri has made a data request and Staff has answered with objections to that request. Ameren Missouri has not taken any action as set out in 20 CSR 4240-2.090(8) to compel Staff to answer. Thus, the Commission will not preemptively rule that the information is protected. The Commission will deny Staff’s request as premature.

**THE COMMISSION ORDERS THAT:**

1. Staff’s request that the Commission issue a protective order is denied.
2. 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

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

Dippell, Deputy Chief Regulatory Law Judge

**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 25<sup>th</sup> day of January, 2023.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**January 25, 2023**

**File/Case No. EA-2022-0245**

**Missouri Public Service  
Commission**

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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**

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