

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

In the Matter of the Application of Union)
Electric Company d/b/a Ameren Missouri)
for Permission and Approval and)
Certificates of Public Convenience and)
Necessity Authorizing It to Construct)
Renewable Generation Facilities)

File No. EA-2023-0286

ORDER ESTABLISHING PROTECTIVE ORDER

Issue Date: July 14, 2023

Effective Date: July 14, 2023

On June 16, 2023, Union Electric Company d/b/a Ameren Missouri filed an application with the Commission seeking an order granting certificates of convenience and necessity to construct four solar generation facilities. On the same date, Ameren Missouri filed a *Motion for Protective Order* requesting that the Commission issue an order safeguarding highly confidential information among the parties.

The motion seeks protection for (A) the negotiated terms and conditions (collectively, the "Transaction Terms") of the Split Rail Solar Project Build Transfer Agreement, the Cass County Solar Project Purchase and Sale Agreement and Engineering, Procurement and Construction contract ("EPC"), the Vandalia Solar Project EPC, and the Bowling Green Solar Project EPC (together the "Agreements," each of which is attached to the Direct Testimony of Company witness Scott Wibbenmeyer), and documents reflecting such terms and conditions; (B) cost and pricing information and the Transaction Terms; (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 Agreements (the "Supplier Terms"); and (D)

responses (and documents reflecting responses) to the Company's solar generation Request for Proposals ("RFPs").

The Commission set a deadline for responses to the motion and none were received. The Commission will grant the motion for 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 (collectively, the "Transaction Terms") of the Split Rail Solar Project Build Transfer Agreement, the Cass County Solar Project Purchase and Sale Agreement and Engineering, Procurement and Construction contract ("EPC"), the Vandalia Solar Project EPC, and the Bowling Green Solar Project EPC (together the "Agreements," each of which is attached to the Direct Testimony of Company witness Scott Wibbenmeyer), and documents reflecting such terms and conditions;
- b. cost and pricing information and the Transaction Terms;
- 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 Agreements (the "Supplier Terms"); and
- d. responses (and documents reflecting responses) to the Company's solar generation Request for Proposals ("RFPs").

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



Nancy Dippell

Nancy Dippell
Secretary

Kenneth J. Seyer, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 14th day of July, 2023.

NONDISCLOSURE AGREEMENT

For Case No.: EA-2023-0286

(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-2023-0286 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__.

Signature & Title

Employer

Party

Address

Telephone

E-Mail Address

NONDISCLOSURE AGREEMENT
For Case No.: EA-2023-0286
(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- 2023-0286 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_____.

Signature & Title

Employer

Party

Address

Telephone

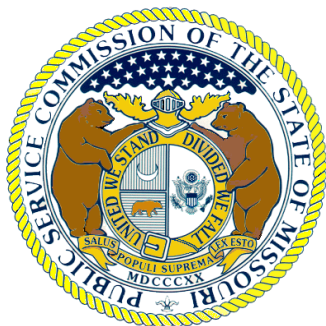
E-Mail Address

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 14th day of July, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 14, 2023

File/Case No. EA-2023-0286

**Missouri Public Service
Commission**
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

**Missouri Public Service
Commission**
Paul Graham
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Paul.Graham@psc.mo.gov

Union Electric Company
James B Lowery
9020 S. Barry Road
Columbia, MO 65203
lowery@jblawllc.com

Union Electric Company
Wendy Tatro
1901 Chouteau Ave
St. Louis, MO 63103-6149
AmerenMOS@ameren.com

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

Sincerely,



**Nancy Dippell
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.