

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

In re: Union Electric Company's 2005	)	
Utility Resource Filing pursuant to	)	Case No. EO-2006-0240
4 CSR 240 – Chapter 22	)	

**REPLY OF PUBLIC COUNSEL TO RESPONSE OF AMERENUE  
TO MOTION TO COMPEL**

COMES NOW the Office of the Public Counsel and for its reply states as follows:

1. On January 5, 2006, Sierra Club, Missouri Coalition for the Environment, Mid-Missouri peaceworks and ACORN (the Association of Community Organizations for Reform Now) filed a motion in which they asked the Commission to compel AmerenUE to “designate specifically what portions, if any, of its Integrated Resource Plan are entitled to confidential treatment.”
2. On January 10, 2006, AmerenUE responded to that motion. AmerenUE offered to make confidential information available to a limited number of in-house experts and to classify limited portions of its filing as public information.
3. Public Counsel does not agree with AmerenUE’s proposal. AmerenUE offers two reasons for not complying with the protective order’s requirement that the reasons for treating information as proprietary or highly confidential be stated with particularity. First, AmerenUE states that it would be burdensome to go through the whole filing object to determine what is actually eligible for special treatment under the protective order. Second, it opines that the public really will not be interested in much of the information.
4. The first of these reasons is not persuasive. Because of its monopoly status, a public utility such as AmerenUE enjoys certain benefits and shoulders certain responsibilities.

One of its responsibilities is to open with its regulators and the public about its operations. While there are exceptions (notably in instances in which disclosure could cause financial harm to the detriment of ratepayers), an administrative burden is clearly not one of them. AmerenUE can no more shield public information because of the administrative burden of properly categorizing it than it could unilaterally raise rates to avoid the administrative burden of filing a rate case. Both are simply the price of doing business as a regulated utility.

5. The second reason is completely ludicrous. It is not up to AmerenUE to decide what information the public will find boring or too detailed to bother with. The public must be able to access all utility information unless the utility can show real that harm may result from the disclosure. AmerenUE states that the portions it has volunteered to partially de-classify contain “most of the meaningful information of interest to the public....” First, we have yet to see what portions of the executive summary and the integrated resource analysis that AmerenUE actually proposes to de-classify. Second, AmerenUE itself acknowledges that these documents only contain “most” of the useful information. Third, it is not up to AmerenUE or even the Commission to determine what information is “meaningful;” all information must be public unless there is a compelling reason to keep it classified.

6. The Commission should not allow AmerenUE’s feeble protests of administrative burden to keep information from the public. Nor should it allow AmerenUE to dictate what is disclosed to the public on the basis of AmerenUE’s opinion of what the public will find meaningful. The Commission should set a short deadline for AmerenUE to submit a public version of the entire filing with only truly sensitive items redacted, along with a complete explanation as to why those items deserve highly confidential or proprietary treatment. Public Counsel submits that a week or ten days should be sufficient; AmerenUE’s suggestion that it will

take 45 days to redact only a fraction of the whole report does not merit serious consideration.

WHEREFORE, Public Counsel respectfully requests that the Commission set a deadline for AmerenUE to submit a public version of the entire filing with only truly sensitive items redacted.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Lewis R. Mills, Jr.**

By: \_\_\_\_\_

Lewis R. Mills, Jr. (#35275)  
Public Counsel  
P O Box 2230  
Jefferson City, MO 65102  
(573) 751-1304  
(573) 751-5562 FAX  
[lewis.mills@ded.mo.gov](mailto:lewis.mills@ded.mo.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been emailed to all parties this 20th day of January 2006.

**/s/ Lewis R. Mills, Jr.**

By: \_\_\_\_\_