

**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 an Order Authorizing the Issue and )  
Sale of Additional Long-Term )  
Indebtedness )

Case No. EF-2023-0151

**PUBLIC COUNSEL’S REPLY TO AMEREN MISSOURI**

COMES NOW the Office of Public Counsel and replies to Ameren Missouri’s late filed response to the Commission’s March 24, 2023, *Order Directing Filing* as follows:

1. The Office of Public Counsel appreciates Ameren Missouri’s late-filed June 12, 2023, attempt to comply with both paragraph 2.g. of the Commission’s February 16, 2023, *Order Approving Application for Financing Authority* and with Commission rule 20 CSR 4240-2.135(2).

2. It appears to Public Counsel that Ameren Missouri now complies with the Commission’s February 16, 2023, *Order Approving Application for Financing Authority*, but not with all of the requirements of Commission rule 20 CSR 4240-2.135(2). While Ameren Missouri has identified that it is claiming its board of directors’ resolutions are confidential in their entirety for concerning trade secrets, Ameren Missouri still has not described how all, or even any part, of the information in those resolutions concern trade secrets. Commission rule 20 CSR 4240-2.135(2)(B) requires that it do so.

3. Commission rule 20 CSR 4240-2.135(2) provides:

(2) Confidential Designation.

(A) Any person may submit to the commission, without first obtaining a protective order, information designated as confidential if that information is—

1. Customer-specific information;
2. Employee-sensitive personnel information;
3. Marketing analysis or other market-specific information relating to services offered in competition with others;
4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;

5. Reports, work papers, or other documentation related to work produced by internal or external auditors, consultants, or attorneys, except that total amounts billed by each external auditor, consultant, or attorney for services related to general rate proceedings shall always be public;

6. Strategies employed, to be employed, or under consideration in contract negotiations;

7. Relating to the security of a company's facilities; or

8. Concerning trade secrets, as defined in section 417.453, RSMo.

(B) Any information designated as confidential shall be submitted with a cover sheet or pleading describing how such information qualifies as confidential under subsection (2)(A) of this rule, including the specific subsection relied upon and *an explanation of its applicability. Only the specific information that qualifies as confidential shall be designated as such.* (Emphases added.) In addition, each document that contains confidential information shall bear the designation "Confidential" and the paragraph(s) of 4 CSR 240-2.135(2)(A) through which that information is protected.

4. Ameren Missouri still has not explained how its board of directors resolutions concern trade secrets, and it appears to Public Counsel that not all of the information in Ameren Missouri's board of directors resolutions document concerns trade secrets.

**Wherefore**, the Office of Public Counsel prays the Commission to order Ameren Missouri to specifically identify the information in its board of directors resolutions that it asserts concern trade secrets, explain why that information concerns trade secrets, and, if it designates less than the entirety of the resolutions document to be confidential, file new public and confidential versions of those resolutions, including only public information in the public version, and the complete version with the confidential information in it clearly identified in the confidential version.

Respectfully,

/s/ Nathan Williams

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13<sup>th</sup> day of June 2023.

/s/ Nathan Williams