

**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 RESPONSE TO AMEREN MISSOURI’S COMPLIANCE FILING

COMES NOW the Office of Public Counsel and responds to Ameren Missouri’s March 13, 2023, compliance filing in this case that it made in response to the condition “Ameren Missouri shall provide a certified copy of the resolutions of its Board of Directors prior to financing” found in paragraph 2.g. of the Commission’s February 16, 2023, *Order Approving Application for Financing Authority* as follows:

1. First, the copy of the resolutions of Ameren Missouri’s board of directors that it filed on March 13, 2023, does not comply with the Commission’s condition in that it is not a certified copy of those resolutions.

2. Second, Ameren Missouri has designated the copy of the resolutions of its board of directors to be confidential stating, “This Exhibit is marked confidential in its entirety.” Public Counsel assumes Ameren Missouri is doing so pursuant to Commission rule 20 CSR 4240-2.135(2).

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. 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 has not complied with Commission rule 20 CSR 4240-2.135(2)(B) in that it has not described in its pleading or a cover sheet how the resolutions qualify as confidential under 20 CSR 4240-2.135(2)(A), and, although the filename for the resolutions includes "conf," when viewed or printed the copy of the resolutions Ameren Missouri attached to its pleading does not bear the designation "Confidential" on it.

Wherefore, the Office of Public Counsel prays the Commission to order Ameren Missouri to both comply with its *Order Approving Application for Financing Authority* and with its rule 20 CSR 4240-2.135(2)(B).

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 22nd day of March 2023.

/s/ Nathan Williams