

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In Re: Union Electric Company's
2008 Utility Resource Filing Pursuant to
4 CSR 240- Chapter 22

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Case No. EO-2007-0409

ORDER WAIVING APPLICATION OF COMMISSION RULE 4 CSR 240- 2.085 AND DENYING MOTION FOR PROTECTIVE ORDER

Issue Date: June 12, 2007

Effective Date: June 12, 2007

On June 11, 2007, Union Electric Company d/b/a AmerenUE filed a motion asking the Commission to issue its standard protective order to establish the means by which confidential information regarding the company's 2008 Integrated Resource Plan filing can be protected from inappropriate disclosure.

On January 30, 2007, a new Commission rule concerning the handling of confidential information, 4 CSR 240-2.135, went into effect, supplanting the standard protective order the Commission had previously routinely issued. 4 CSR 240-2.135(2)(A) specifically provides "no order from the commission is necessary before a party in any case pending before the commission may designate material as proprietary or highly confidential and such information shall be protected as provided in this rule." AmerenUE is aware of this new rule, but is concerned about an older rule, 4 CSR 240-2.085(2), that states "pleadings, testimony, or briefs shall not contain highly confidential or proprietary information unless a protective order has been issued by the commission."

The requirements of Commission Rule 4 CSR 240-2.085 are inconsistent with the requirements of Commission Rule 4 CSR 240-2.135, in that the older rule purports to

require a party to file a pleading that is rendered unnecessary by the explicit language of the newer rule. Ultimately, the Commission will resolve this conflict by revising Commission Rule 4 CSR 240-2.085; but until that is accomplished, the Commission will waive application of that rule for this case. With that rule having been waived, AmerenUE's motion for protective order is unnecessary and will be denied.

IT IS ORDERED THAT:

1. No party to this case shall be required to comply with the provisions of Commission Rule 4 CSR 240-2.085.
2. Union Electric Company d/b/a AmerenUE's Motion for Protective Order is denied.
3. This order shall become effective on June 12, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of June, 2007.