

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 30th
day of March, 2022.

In the matter of the Application of Co-Mo)
Electric Cooperative for Approval of)
Designated Service Boundaries Within)
Portions of Cooper County, Missouri) **File No. EO-2022-0190**

**ORDER REGARDING AMEREN MISSOURI’S MOTION TO ALLOW
SELECTED ACCESS TO HIGHLY CONFIDENTIAL INFORMATION AND
MOTION FOR EXPEDITED TREATMENT**

Issue Date: March 30, 2022

Effective Date: April 4, 2022

Background

On March 21, 2022, Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) filed *Ameren Missouri’s Motion to Allow Selected Access to Highly Confidential Information and Motion for Expedited Treatment*. Ameren Missouri’s motion seeks an order allowing certain in-house Ameren Missouri employees to access highly confidential information filed by Co-Mo Electric Cooperative (Co-Mo). That information is currently protected under the Commission’s *Order Granting Motion for Protective Order*, dated March 16, 2022. That order restricts access to highly confidential information to outside counsel and outside consultants because generally allowing Ameren Missouri employees to view the information may give it a competitive advantage.

The Commission’s protective order provides that a party may file a motion for relief from the protective order if it believes one or more of its employees should be allowed to view the highly confidential information and the procedures set forth in Commission Rule 20 CSR 4240-2.090(8) are exhausted.

In its motion, Ameren Missouri explains that access is necessary so it may use its resources to present evidence and analysis to the Commission for this case. It says that the individuals selected are not involved in competitive activities with Co-Mo, and will be subject to 20 CSR 4240-2.135(13) and (14), requiring persons with access to keep such information secure and not to disclose it for any purpose other than preparation and conduct of this proceeding.

Co-Mo filed its response on March 23, 2022, objecting to dissemination of highly confidential information to any Ameren Missouri employee, but requests that if the Commission is persuaded by Ameren Missouri's motion, further measures be taken to secure the documents so they don't escape the immediate litigation work environment.

A telephone conference was held on March 24, 2022, pursuant to the protective order's duty to confer. All parties attended and no agreement was reached. On March 29, 2022, Ameren Missouri filed a reply to Co-Mo's response addressing the necessity of some of Co-Mo's requested protocols for highly confidential information

The Commission finds that Ameren Missouri's request to allow certain selected persons in its company who are not involved in competitive activities with Co-Mo to view Co-Mo's highly confidential information pursuant to security and non-disclosure provisions of CSR 4240-2.135(13) and (14) is reasonable, and will order such. The Commission also finds that Co-Mo's request for additional measures to be taken to secure documents containing highly confidential materials is reasonable, and will order such. The Commission will provide a five day period prior to this order becoming effective in order to allow any party to request reconsideration.

THE COMMISSION ORDERS THAT:

1. Mr. Steve Wills, Mr. Wade Miller, Mr. Jon Schmidt, and Mr. Jim Vehaar, and no other employees of Ameren Missouri, shall be permitted to view Co-Mo's highly confidential information for use during this proceeding, and for no other purpose. These individuals shall:

- a. Keep all information secure;
- b. Neither use nor disclose such information for any purpose other than the preparation for and conduct of this proceeding;
- c. Adhere to the confidentiality requirements of 20 CSR 4240-2.135(13) and (14);
- d. Prior to viewing highly confidential information, submit an appropriate non-disclosure form and file it with the Commission.

2. Highly confidential documents shall be maintained in a secured computer system under the exclusive control of the named employees, and shall not be commingled with or released to any other computer system, whether under control of Ameren Missouri or otherwise.

3. Counsel for Ameren Missouri shall utilize secure methods for transferring information to and from the secured computer systems.

4. Within ninety days after the completion of this proceeding, including judicial review, all electronic and paper copies of all highly confidential information, notes, work papers, and copies preserved in the hard drives of computers, copy machines, and devices with similar capacity, shall be destroyed or permanently deleted by the above named Ameren Missouri employees. Ameren Missouri shall provide a receipt to the

Commission evidencing that all such information is destroyed or permanently deleted as required.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Keeling, Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT

For Case No.: EO-2022-0190

(Employee Access To 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. **EO-2022-0190** 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 expert for that company 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

NONDISCLOSURE AGREEMENT
For Case No: EO-2022-0190
(To Access Highly Confidential Information)
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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 30th day of March, 2022.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 30, 2022

File/Case No. EO-2022-0190

**Missouri Public Service
Commission**

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

Sincerely,



**Morris L. Woodruff
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.