

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

In the Matter of an Investigation of Missouri)
Jurisdictional Generator Self-Commitments into) **File No. EW-2019-0370**
SPP and MISO Day-Ahead Energy Markets)

MOTION TO OPEN FOUR ADDITIONAL DOCKETS TO RECEIVE SEPARATE COMPANY SPECIFIC INFORMATION RELATING TO STAFF'S EW-2019-0370 REPORT AND MOTION FOR PROTECTIVE ORDER FOR EACH ADDITIONAL DOCKET

COMES NOW Staff of the Missouri Public Service Commission (“Staff”), by and through Staff Counsel’s Office, and files its *Motion To Open Four Additional Dockets To Receive Separate Company Specific Information Relating To Staff’s EW-2019-0370 Report And Motion For Protective Order For Each Additional Docket*. In support thereof, Staff states as follows:

1. On June 5, 2019, the Commission issued an *Order Opening An Investigation Of Missouri Jurisdictional Generator Self-Commitments And Self-Scheduling* (“*Order*”) establishing this working file and directed its Staff to undertake an investigation into the self-commit and self-scheduling practices of Missouri’s investor-owned electric utilities in their respective Regional Transmission Organization (“RTO”) energy markets. The Commission’s *Order* opening the investigation directed the investor-owned utilities to submit certain information/data by a specified date and directed Staff to file a report regarding its investigation no later than August 16, 2019. The Commission in its June 27, 2019, *Order Extending Time For Filing Responses* extended until August 23, 2019, the deadline for Staff to file its report regarding its investigation.

2. Said investor-owned utilities in responding to the Commission's June 5, 2019, *Order* designated certain information/data as "confidential." The Commission's

June 5, 2019, *Order* explained that intervention requests are not necessary to view documents. On July 15, 2019, Sierra Club filed a motion asking the Commission, among other things, to establish a process for its attorneys and experts to review information/data designated confidential.

3. On said July 15, 2019 date, the Commission issued a *Notice Explaining Process For Viewing Confidential Information*. The Commission stated that it has found that the best way to make confidential information available for review by interested stakeholders in a non-contested case is by allowing those stakeholders to intervene as parties. Intervening stakeholders are thus allowed to access confidential information to the same extent they would when they are granted party status in any other case. The Commission advised Sierra Club, and any other stakeholder that wishes to view confidential information filings, to apply to intervene as a party in EW-2019-0370.

4. The Commission's Rule on confidential information, 4 CSR 240-2.135, provides that the Commission may order greater protection than that provided by a "Confidential" designation upon a motion explaining what information must be protected, the harm to the disclosing entity or the public that might result from the disclosure of the information, and an explanation of how the information may be disclosed while protecting the interests of the disclosing entity and the public, 4 CSR 240-2.135(4). The Commission's Rule, 4 CSR 240-2.135(4)(B), provides that the designation for any document requiring greater protection than that provided by a "Confidential" designation shall be "Highly Confidential."

5. Given the market specific basis of the information/data that is the subject of this investigation ordered by the Commission, the fact that all four rate based regulated

electrical corporations are the subject of this investigation ordered by the Commission, and that each entity has its own information which it desires to protect as “Confidential,” Staff is concerned that the minimum provisions of Commission Rule 4 CSR 240-2.135 alone may be insufficient in this matter.

6. In addition, as a result of Staff’s own questions to these four electrical corporations in furtherance of the investigation, Staff has access to additional confidential and possibly highly confidential information/data that has not been filed in the Commission’s Electronic Filing And Information System (“EFIS”) that Staff will use in its report(s). Thus, a further concern of Staff in maintaining the confidential and possibly highly confidential status of this information/data, which will be used by Staff in its report(s), is in maintaining its confidential and possibly highly confidential status as company specific information/data.¹

7. Further, Staff is talking with, and, as a consequence, may acquire information/data from sources that Staff has not generally sought to interface with in the past such as the Market Monitors for the Midcontinent Independent System Operator, Inc. (“MISO”) and the Southwest Power Pool, Inc. (“SPP”). Information from such sources may need to be designated as confidential or highly confidential if used by Staff in its report(s).

8. It appears to Staff that a good way to proceed is for Staff to submit the general elements of the report directed by the Commission in File No. EW-2019-0370, and the general elements of the report plus company-specific Confidential and

¹ Staff also notes that the four electrical corporations are required to maintain functional separation between their own employees on opposite sides of the intended arms-length transactions that occur through the applicable RTO in which each participates as a member.

Highly Confidential information/data and analysis in four new dockets for the four separate investor-owned electric utilities for which the Commission established the investigation.

WHEREFORE Staff requests that the Commission grant Staff's *Motion To Open Four Additional Dockets To Receive Separate Company Specific Information Relating To Staff's EW-2019-0370 Report And Motion For Protective Order For Each Additional Docket* for the reasons stated above; and grant such other and further relief as the Commission finds just.

Respectfully submitted,

/s/ Whitney Payne

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 12th day of August, 2019, to all counsel of record.

/s/Whitney Payne