

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

In the Matter of the Petition of Union)
Electric Company d/b/a Ameren Missouri)
for a Financing Order Authorizing the)
Issue of Securitized Utility Tariff Bonds)
for Energy Transition Costs related to)
Rush Island Energy Center)

Case No. EF-2024-0021

**PUBLIC COUNSEL’S MOTION FOR THE COMMISSION
TO ORDER AMEREN MISSOURI AND AUTHORIZE
PUBLIC COUNSEL TO PUBLICLY DISCLOSE INFORMATION**

COMES NOW the Office of Public Counsel (“Public Counsel”) and moves the Commission to order Ameren Missouri to publicly disclose the information in its application filed November 21-22, 2023, that it designated to be Confidential under 20 CSR 4240-2.135(2)(A)4, 6 & 8, and to authorize Public Counsel to publicly disclose that information as follows:

1. Commission rule 20 CSR 4240-2.135(1) shows that the Commission strongly favors transparency to the public:

All items filed in case proceedings before the commission shall be open to the public unless protected pursuant to this rule or otherwise protected by law.

2. Commission rule 20 CSR 4240-2.135(2)(B) requires:

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.

3. Ameren Missouri made a filing on November 21, 2023, titled, “DESIGNATION OF CONFIDENTIAL INFORMATION,” wherein it identifies three categories of protection it claims for confidential treatment—20 CSR 4240-2.135(2)(A)4, 6 & 8—then proceeds to identify

which portions of five of its witnesses' prefiled direct testimony its asserts are confidential without specifying which subparts apply; presumably it is asserting all do to each.

4. The rule text of the three categories of protection Ameren identifies follow:

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 customer;

* * * *

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

* * * *; or

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

5. Ameren Missouri has not complied with Commission rule 20 CSR 4240-2.135(2)(B) in that it has not described anywhere how each portion of the five different witnesses prefiled direct testimony qualifies as confidential under any of the subsections 4, 6, and 8 of 20 CSR 4240-2.135(2)(A) that it blanket cites for its authority to treat that portion confidential. Despite the provision in Commission rule 20 CSR 4240-2.135(2)(B) which requires identification in the document of the specific category(ies) which protect disclosure—"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"—Ameren Missouri also has not identified in either the public or confidential versions of those testimonies the specific provisions of 20 CSR 4240-2.135(2) that protect public disclosure.

6. Further, in the confidential version of the direct testimony of its witness Steven Whitworth that it filed on November 21, 2023, Ameren Missouri has redacted portions of at least schedules SCW-D5, SCW-D6, SCW-D9, SCW-D10, SCW-D13, SCW-D14, SCW-D15, and

SCW-D16. The Commission's confidentiality rule—20 CSR 4240-2.135—does not extend so far, absent a protective order.

Wherefore, the Office of Public Counsel prays the Commission to order Ameren Missouri publicly disclose the information it has designated confidential for Ameren Missouri's failure to comply fully with Commission rule 20 CSR 4240-2.135(2)(B) and authorize Public Counsel to publicly disclose that information or, alternatively, order Ameren Missouri to comply fully with Commission rule 20 CSR 4240-2.135(2)(B) by filing separate cover pages for each of the testimonies that it asserts has confidential information in accord with that rule, identify in the cover pages and in both the public and confidential versions of each testimony the specific categories of 20 CSR 4240-2.135(2)(A) it asserts qualify each portion of that testimony to be confidential, file unredacted copies of the schedules to its witness Steven Whitworth's direct testimony that it prefiled with redactions, and authorize Public Counsel to publicly disclose the information Ameren Missouri has designated confidential if Ameren Missouri does not comply with the Commission's order within ten days after the Commission issues it.

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 11th day of December 2023.

/s/ Nathan Williams