

**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 REPLY TO AMEREN MISSOURI

COMES NOW the Office of Public Counsel (“Public Counsel”) and replies to Ameren Missouri’s response to Public Counsel’s motion for 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 as follows:

1. In the first paragraph of its response Ameren Missouri states, “As relief, OPC requests Commission permission to in effect sanction the Company for its alleged non-compliance by allowing OPC to disregard the confidentiality of this information and publicly disclose the same.” Not so. Public Counsel’s request is not to effect a sanction, but for recognition of the consequence that, unless the Commission allows Ameren Missouri to “cure” its noncompliance with Commission rule 20 CSR 4240-2.135 and Ameren Missouri does so, then the information Ameren Missouri disclosed in prefiled testimony that it labeled “confidential” is not protected from public view, regardless of how Ameren Missouri may have designated that information when Ameren Missouri prefiled it.

2. It is important to both the Commission and those seeking to challenge a party’s claim particular information is confidential that they are able to ascertain the specific ground or grounds upon which that claim is based to enable them to ascertain the merits of the claim.

3. While Ameren Missouri addresses in its response both information it did not disclose and information it designated to be “confidential” in the direct testimony and schedules

of Company witness Steven Whitworth, filed on November 21, 2023, it does not address the information it designated “confidential” in the testimonies of the other four witnesses—Mitchell Lansford, Matt Michels, Karl Moor, and Jim Williams—to which Public Counsel also referred in the third paragraph of its motion.

4. It is unclear to Public Counsel whether Ameren Missouri’s failure to address its confidentiality claims for information disclosed in the prefiled direct testimony of Mitchell Lansford, Matt Michels, Karl Moor, and Jim Williams is oversight or abandonment.

5. As part of the alternative relief it requested in its motion Public Counsel requested that it be authorized to publicly disclose the information Ameren Missouri had designated confidential; however, that authorization should be broader and encompass anyone who chooses to make the information public, *i.e.*, no one should be limited by rule 20 CSR 4240-2.135(9) when Ameren Missouri has not complied with the requirements of rule 20 CSR 4240-2.135 for designating the information to be confidential.

Wherefore, except to the extent the Commission determines Ameren Missouri has complied adequately with Commission rule 20 CSR 4240-2.135, the Office of Public Counsel continues to pray that the Commission require that the information Ameren Missouri has designated to be confidential be made public, either by the Commission, by Ameren Missouri, or by any party who chooses to without having to designate it confidential (Rule 20 CSR 4240-2.135(9)).

Respectfully,

/s/ Nathan Williams

Nathan Williams
Chief Deputy Public Counsel
Missouri Bar No. 35512

Office of the Public Counsel
Post Office Box 2230
Jefferson City, MO 65102
(573) 526-4975 (Voice)
(573) 751-5562 (FAX)
Nathan.Williams@opc.mo.gov

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 28th day of December 2023.

/s/ Nathan Williams