

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

In the Matter of the Application of Union)
Electric Company d/b/a Ameren Missouri)
for an Order Authorizing the Issue and)
Sale of Additional Long-Term)
Indebtedness)

Case No. EF-2024-0099

**PUBLIC COUNSEL’S MOTION FOR THE COMMISSION TO ORDER
AMEREN MISSOURI TO COMPLY FULLY WITH RULE 20 CSR 4240-2.135(2)(B)**

COMES NOW the Office of Public Counsel (“Public Counsel”) and moves the Commission to order Ameren Missouri to comply fully with rule 20 CSR 4240-2.135(2)(B) as to the resolutions of the Board of Directors of Ameren Missouri that it filed as an exhibit on December 29, 2023, or to order the designation be changed to “public” on the grounds that follow:

1. Ameren Missouri has complied with the last sentence of rule 20 CSR 4240-2.135(2)(B) by including the designation “CONFIDENTIAL” and “20 CSR 4240-2.135(2)(A)8” (which refers to trade secrets as defined in § 417.453, RSMo,) on the exhibit; however, Ameren Missouri has not complied with the preceding first two sentences of that subsection, to wit: “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.”

2. Trade secret is defined in § 417.453(4), RSMo, as follows:

"Trade secret", information, including but not limited to, technical or nontechnical data, a formula, pattern, compilation, program, device, method, technique, or process, that:

- (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

3. In addition to Ameren Missouri not complying fully with the requirements of 20 CSR 4240-2.135 for designating information confidential, Public Counsel fails to see how the resolutions of Ameren Missouri's Board of Directors that authorize Ameren Missouri to exercise financing authority the Commission gave it in this case are confidential, as trade secret or otherwise.

4. Until Ameren Missouri provides the description required by 20 CSR 4240-2.135(2)(B), the Commission and other parties cannot conclude that Ameren Missouri has a reasonable basis for the confidential designation. The descriptions required by 20 CSR 4240-2.135(2)(B) help "discourage the practice of routinely over-designating information"¹ and are necessary to ensure that utilities are properly complying with 20 CSR 4240-2.135.

Wherefore, the Office of Public Counsel prays the Commission to order Ameren Missouri to comply fully with rule 20 CSR 4240-2.135(2)(B) as to the exhibit that it filed on December 29, 2023, or to order the designation be changed to "public"

Respectfully,

/s/ Nathan Williams

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¹ Order of Rulemaking, *Missouri Register*, Vol. 42, No. 11, June 1, 2017, p. 874.

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 4th day of January 2024.

/s/ Nathan Williams