

case.² Consequently, the Company seeks a protective order allowing it to designate such information as "Highly Confidential" under 20 CSR 4240-2.135(4).

3. Under 20 CSR 4240-2.135(4), a motion for greater protection, like this one, must explain the following:

- A. What information must be protected,
- B. The harm to the disclosing entity or the public that might result from disclosure of the information ("Potential harm"), and
- C. How the information may be disclosed while protecting the interests of the disclosing entity and the public.

4. What information must be protected: Information that should be designated as Highly Confidential includes: the negotiated terms and conditions (collectively, the "Transaction Terms") of the governing commercial agreements for the Huck Finn, Boomtown, and Cass County facilities which are included in the Company's rate base in this case and cost and pricing information relating to such facilities. There is cost information contained in the Company's direct case filing, which has been designated as Highly Confidential in accordance with 20 CSR 4240-2.135(4)(B). If additional commercially sensitive information is to be produced in discovery or in later-filed testimony, or other evidence to be presented in this case, it will likewise be designated as Highly Confidential. The information for which Highly Confidential treatment is sought cannot be found in any other public document and is the same information protected by a protective order in File No. EA-2023-0286.

5. Potential harm: Highly Confidential protection for these materials is needed for several reasons. First, the Company continues to engage in negotiations with other solar developers

² Employees of the Commission, the Office of the Public Counsel, and the Division of Energy are all covered by statutes protecting the confidentiality of information submitted to the Commission by utilities.

for additional utility scale solar generation resources. The Company and each developer as a routine course enter a Non-Disclosure Agreement to ensure that proprietary and competitively sensitive information is not disclosed. It would be harmful to the Company, and ultimately its customers, if the pricing, terms, and conditions negotiated for the projects that are the subject of this application were known to other potential counterparties or other potential competitors in these markets, including commercial and industrial customers who also from time-to-time negotiate in these markets for virtual purchase power agreements or otherwise. It could also potentially be harmful to other Missouri electric utilities and their customers for the same reasons.

6. The Company also continues to engage in negotiations with other contractors related to such potential solar generation projects. The Company and the suppliers may be subject to confidentiality obligations with respect to each other's information, particularly as to costs and pricing. It would be harmful to the Company and ultimately its customers if confidentiality concerns have a chilling effect on future negotiations with such parties.

7. The interests of the solar developers, solar panel suppliers and other suppliers themselves could also be harmed due to the highly sensitive and competitive nature of their costs and pricing. This is why the commercial terms of applicable agreements contain confidentiality provisions.

8. 20 CSR 4240-2.135(4) is in keeping with Missouri Supreme Court Rule 56.01(c)(7), which provides that protective orders may be issued "... to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including ... that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way ..."

9. How the information may be disclosed while protecting the interests of the disclosing entity and the public: Granting this protective order will prevent access to competitively sensitive information that could work to the disadvantage of counterparties to other solar generation negotiations. The information will still be disclosed to attorneys of record for all parties to the case, to any state agency parties and their employees covered by statutory confidentiality requirements, and to designated outside experts of any non-state agency party.

10. Based on the reasons given herein, the Commission has previously issued a protective order on similar terms requested in recent Company renewable CCN cases.

11. Attached to this motion is the disclosure form the Commission most recently directed to be used in File No. EA-2023-0286. The Company requests that the Commission direct use of that same form (marked as Exhibit A hereto) in this docket for those persons who will be authorized to access "confidential" information. That form, however, needs to be modified for those persons who, under the terms of the protective order requested hereby, can access "Highly Confidential" information. Consequently, the Company requests that the Commission direct use of a modified form (marked as Exhibit B hereto) in this docket for those persons who will be authorized to access "Highly Confidential" information.

12. Under 20 CSR 4240-2.135(10), "confidential" information is to be denoted as follows: ****confidential information****. Because Ameren Missouri is filing both "confidential" and "Highly Confidential" information, Ameren Missouri has utilized three asterisks to denote "Highly Confidential" information, as follows: *****highly confidential information*****.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue the protective order requested herein and direct use of the Non-Disclosure Agreement forms marked as Exhibits A and B hereto.

Respectfully submitted,

/s/ James B. Lowery

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing was served on the Staff of the Missouri Public Service Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 28th day of June, 2024.

/s/ James Lowery
James Lowery

NONDISCLOSURE AGREEMENT

For Case No.: ER-2024-0319

(To Access 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 confidential information produced in Case No. EA-2023-0286 on behalf of _____.

I hereby certify that:

(a) Only employees of a party that are acting as an expert for that party or that have been retained for this case as an outside expert for that party may receive confidential information;

(b) An employee is a person in the service of his or her employer whose services are controllable by the employer.

(c) I am employee of [state name of intervenor] acting as its expert and/or its employee who intends to file testimony in this docket, or I am an outside expert for [state name of intervenor] retained to provide expert consultation or testimony in this docket; and

(d) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135.

Dated this _____ day of _____, 20__.

Signature & Title

Employer

Party

Address

Telephone

E-Mail Address

NONDISCLOSURE AGREEMENT
For Case No.: ER-2024-0319
(To Access 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.
EA- 2023-0286 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 outside expert for [state name of intervenor] _____ retained 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

Address

Telephone

E-Mail Address