

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 Permission and Approval and) File No. EA-2024-0212
Certificates of Public Convenience and)
Necessity)

ORDER ESTABLISHING PROTECTIVE ORDER

Issue Date: July 10, 2024

Effective Date: July 10, 2024

On May 24, 2024, Union Electric Company d/b/a Ameren Missouri filed an application requesting a certificate of convenience and necessity. On the same date, Ameren Missouri filed a *Motion for Protective Order*, requesting that the Commission issue an order safeguarding highly confidential information among the parties.

The motion seeks protection for (1) the negotiated terms and conditions of the Engineering, Procurement and Construction (EPC) Agreement, attached as Schedule SDW-2 to Ameren Missouri witness Scott Wibbenmeyer's direct testimony, and the scope of work under the EPC, attached to the application as Schedule D; (2) cost and pricing information reflected in Mr. Wibbenmeyer's direct testimony; (3) the Procurement Plan in Schedule D; (4) the terms and conditions of agreements (and documents reflecting such terms and conditions) with entities who will construct the solar and transmission-related assets covered by the EPC Agreement in Schedule F; and (5) responses (and documents reflecting responses) to Ameren Missouri's solar generation Request for Proposal (RFP). Ameren Missouri also seeks protection for any additional information falling within these categories to be produced in discovery or in later-filed testimony, or other evidence presented in this case, and designated as highly confidential.

Ten days have passed and no parties have filed an objection to Ameren Missouri's motion.¹ The Commission will grant the motion for protective order.

THE COMMISSION ORDERS THAT:

1. Ameren Missouri's *Motion for Protective Order* is granted as to the following information designated by Ameren Missouri as "highly confidential":

- a. the negotiated terms and conditions of the Engineering, Procurement and Construction (EPC) Agreement, attached as Schedule SDW-2 to Ameren Missouri witness Scott Wibbenmeyer's direct testimony, and the scope of work under the EPC, attached to the application as Schedule D;
- b. cost and pricing information reflected in Mr. Wibbenmeyer's direct testimony;
- c. the Procurement Plan in Schedule D;
- d. the terms and conditions of agreements (and documents reflecting such terms and conditions) with entities who will construct the solar and transmission-related assets covered by the EPC Agreement in Schedule F;
- d. responses (and documents reflecting responses) to Ameren Missouri's solar generation Request for Proposal (RFP); and
- e. any additional information falling within these categories to be produced in discovery or in later-filed testimony, or other evidence presented in this case, and designated as highly confidential.

2. Information designated by Ameren Missouri as "highly confidential" shall be disclosed only to attorneys of record for all parties, to state agency parties and their employees covered by statutory confidentiality requirements, and to designated outside experts of any non-state agency party. Such information shall not be shared with any employees of a non-state agency party, but, if shared, shall be promptly returned to the party's attorney of record.

¹ Per Commission Rule 20 CSR 4240-2.080(13), parties are allowed ten days from the date of filing in which to respond to any pleading, unless otherwise ordered by the Commission.

3. Except for attorneys of record for all parties, and employees of state agency employees covered by statutory confidentiality requirements, all persons authorized to access “confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit A.

4. Except for attorneys of record for all parties, and employees of state agency employees covered by statutory confidentiality requirements, all persons authorized to access “highly confidential” information in this case shall complete the nondisclosure agreement attached to this order as Exhibit B.

5. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

Nancy Dippell
Secretary

Kenneth J. Seyer, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 10th day of July, 2024.

NONDISCLOSURE AGREEMENT

For Case No.: EA-2024-0212

(To Access Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the _____ day of ____, 2024.

I have requested review of the confidential information produced in Case No. EA-2024-0212 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 _____, 2024.

EXHIBIT A

Signature & Title

Employer

Party

Address

Telephone

E-Mail Address

NONDISCLOSURE AGREEMENT
For Case No.: EA-2024-0212
(To Access Highly Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the _____ day of _____, 2024.

I have requested review of the highly confidential information produced in Case No. EA-2024-0212 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 _____, 2024.

EXHIBIT B

Signature & Title

Employer

Party

Address

Telephone

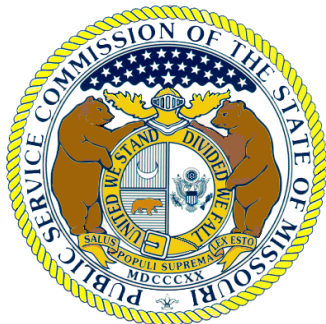
E-Mail Address

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 10th day of July 2024.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

July 10, 2024

File/Case No. EA-2024-0212

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.