



Requests.” By these amended objections, Renew Missouri attempts to add objections (irrelevance, not reasonably calculated to lead to the discovery of admissible evidence) that it did not timely make. In keeping with longstanding Commission rulings on untimely objections, any such additional objections were waived by failing to make them within two business days of having been served with the data requests, as required by the procedural order in this case. *See, e.g., Order Granting Motion to Compel*, 2003 WL 21263655 (Mo. P.S.C.), File No. EO-2003-0271 (“[a]s a general rule... a party that does not timely object to a discovery request has waived its objection”; “Since Ameren waived its objection by not raising it in a timely manner, the Commission will not address the merits of that objection ... [motion to compel is granted].”).<sup>1</sup> The rule is different as to a privilege objection, since privilege is not waived until actual disclosure of the privileged material. *See, e.g. id.*; *See also Order Denying Motion to Compel Data Requests 554 and 555*, 2002 WL 1311615 (Mo. P.S.C.), File No. EC-2002-1 (Acknowledging that while the Commission does compel responses to data requests when objections were not timely lodged, the rule is different when the untimely objection is on the basis of privilege).<sup>2</sup>

4. Renew Missouri’s “amended objection” is of no force as it waived its right to make further objections by not making them within the deadline set by the procedural order.

WHEREFORE, Ameren Missouri respectfully submits the attached privilege log, and requests that Renew Missouri’s Amended Objections be overruled.

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<sup>1</sup> Attached hereto as Exhibit C.

<sup>2</sup> Attached hereto as Exhibit D.

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 Statement and associated exhibits were served on counsel for all parties of record via electronic mail (e-mail) on this 26th day of September, 2024.

/s/ James Lowery

James Lowery

# EXHIBIT C

In re Union Elec. Co., 2003 WL 21263655 (2003)

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2003 WL 21263655 (Mo.P.S.C.)

## In re: Application of Union Electric Company for Authority to Participate in the Midwest ISO through a Contractual Relationship with GridAmerica

Case No. EO-2003-0271

### Missouri Public Service Commission

At a session of the Public Service Commission held at its office in Jefferson City on the 15th day of April, 2003.

### **ORDER GRANTING MOTION TO COMPEL**

BY THE COMMISSION Dale Hardy Roberts, Secretary/Chief Regulatory Law Judge Simmons, Ch., Murray, Lumpe, Gaw and Forbis, CC., concur; Mills, Deputy Chief Regulatory Law Judge

Syllabus: The Commission determines that Union Electric Company d/b/a AmerenUE waived its objection to the relevance of a certain document sought in discovery because it failed to timely raise that objection.

On February 7, 2003, the Office of the Public Counsel submitted a Data Request to Union Electric Company d/b/a AmerenUE, asking Ameren to “provide the most recently created draft of the Ameren strategic plan that has been distributed to Ameren’s Senior Team.” Ameren provided a response on March 5 that stated:

This Request is overbroad and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, the most recent update of the Ameren strategic plan (dated December, 2002) contains no information about Ameren’s participation in GridAmerica.

On March 21, Public Counsel filed a motion asking the Commission to compel Ameren to provide the strategic plan. Public Counsel makes two arguments about why the document should be provided: that Ameren’s objection was untimely, and that providing it to Public Counsel is reasonably calculated to lead to the discovery of admissible evidence. Because the Commission finds for Public Counsel based on its first argument, the relevance of the information sought need not be addressed.

4 CSR 240-2.090 provides (in relevant part) that, “If the recipient objects to data requests...the recipient shall serve all of the objections...in writing upon the requesting party within ten (10) days after receipt of the data request...” Public Counsel asserts, because Ameren’s objection was not made within the ten-day period, that any objections were waived. The Commission agrees, as a general rule, that a party that does not timely object to a discovery request has waived its objection.

Exceptions to this general rule may exist if the information sought is protected by privilege, or if the responding party is able to demonstrate good cause for not timely objecting. Neither of these exceptions applies here. In its response filed on March 31, Ameren only argues the relevance of the information sought; it does not seek to explain or excuse its failure to timely object. Since Ameren waived its objection by not raising it in a timely manner, the Commission will not address the merits of that objection. The Commission will grant the motion to compel.

### **IT IS THEREFORE ORDERED:**

1. That the motion to compel filed by the Office of the Public Counsel is granted.
2. That Union Electric Company d/b/a AmerenUE shall provide a copy of the December 2002 strategic plan to the Office of the Public Counsel no later than April 21, 2003.
3. That this order shall become effective on April 25, 2003.

# EXHIBIT C

In re Union Elec. Co., 2003 WL 21263655 (2003)

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# EXHIBIT D

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