

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

In the Matter of Ameren Missouri’s 2024 )  
Integrated Resource Plan Annual Update ) File No. EO-2025-0123  
Report. )

**THE COUNCIL FOR THE NEW ENERGY ECONOMICS’  
RESPONSE TO SIERRA CLUB’S MOTION TO COMPEL**

COMES NOW The Council for the New Energy Economics (“NEE”) and pursuant to the Missouri Public Service Commission’s (“Commission”) December 5, 2024, *Order Directing Filing*,<sup>1</sup> hereby submits the following Response to *Sierra Club’s Motion to Compel* (“Motion to Compel”).<sup>2</sup> For its Response, NEE states as follows:

1. On October 1, 2024, Union Electric Company d/b/a Ameren Missouri (“Ameren”) submitted its Integrated Resource Plan (“IRP”) Annual Update Report.<sup>3</sup> Ameren hosted its Annual Update Workshop with stakeholders on November 6, 2024, and subsequently submitted its Annual Update Post-Workshop Summary Report.<sup>4</sup>

2. On December 4, 2024, Sierra Club submitted its Motion to Compel. Sierra Club states that it served Ameren with data requests in this proceeding, but Ameren objected to Sierra Club’s data requests in their entirety, arguing generally that there is no discovery process associated with the IRP Annual Update proceeding.<sup>5</sup>

3. NEE is a non-profit organization committed to helping utilities and energy decision-makers navigate rapidly evolving utility industry economics using neutral data and analysis. NEE’s mission is to present policy, utility, and stakeholder energy decision-makers with

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<sup>1</sup> Missouri Public Service Commission (“PSC”) Docket No. EO-2025-0123, Order Directing Filing (Dec. 5, 2024).

<sup>2</sup> Missouri PSC Docket No. EO-2025-0123, Sierra Club’s Motion to Compel (Dec. 4, 2024).

<sup>3</sup> Missouri PSC Docket No. EO-2025-0123, Annual Update Summary Report of Ameren Missouri and Request for Commission Order Regarding Parties to this Case (Oct. 1, 2024).

<sup>4</sup> Missouri PSC Docket No. EO-2025-0123, Annual Update Post-Workshop Summary Report (Nov. 15, 2024).

<sup>5</sup> Sierra Club’s Motion to Compel at ¶¶ 3-4, 8, Exhibit B.

complex utility system modeling analysis to help determine the most cost-effective path forward for the deployment of energy resources. A key component to NEE's ability to thoroughly and effectively analyze IRP filings and provide this guidance to stakeholders is access to the data and assumptions underlying a utility's resource plan.

4. NEE concurs with Sierra Club's legal analysis and ultimate conclusion that discovery is permitted in an IRP Annual Update proceeding. NEE will not reiterate those arguments herein. However, it is also important to note that 20 CSR 4240-22.080(11) requires that Ameren treat requests for workpapers and supporting documentation, at the very minimum, in the same manner in IRP Annual Updates as in Triennial filings. Specifically, the Rule provides that:<sup>6</sup>

All workpapers, documents, reports, data, computer model documentation, analysis, letters, memoranda, notes, test results, studies, recordings, transcriptions, and any other supporting information relating to the filed resource acquisition strategy within the electric utility's or its contractors' possession, custody, or control shall be preserved and submitted within two (2) days of its triennial compliance **or annual update filings** in accordance with any protective order to the staff and public counsel, **and to any intervenor** within two (2) days of the intervenor signing and filing a confidentiality agreement, for use in its review of the periodic filings required by this rule.

Thus, the Rules do not differentiate between Triennial filings and Annual Updates with regard to this information sharing process and similarly should not be interpreted to distinguish the typical discovery process between these types of IRP proceedings. Further, to the extent Ameren objected to providing workpapers through the discovery process,<sup>7</sup> Ameren's refusal to provide this information is improper under the Rule.

5. The discovery process has significant practical implications in an IRP Annual Update year. As evidenced by Ameren's Annual Update Summary Report, much of the detailed

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<sup>6</sup> 20 CSR 4240-22.080(11).

<sup>7</sup> See Sierra Club Motion to Compel at Exhibit A, Exhibit B.

information or data underlying the utility’s assumptions is not provided upfront to stakeholders. As such, stakeholders must request additional information via the discovery process if they wish to more closely examine the IRP Annual Update filing itself or the utility’s decision-making process in formulating that plan.

6. NEE has requested and received discovery in the IRP Annual Update proceedings of other Missouri investor-owned utilities. For example, NEE propounded discovery in Evergy Missouri Metro and Evergy Missouri West’s (together, “Evergy”) 2023 IRP Annual Update Proceeding.<sup>8</sup> Evergy’s responses to both NEE’s and other stakeholders’ data requests in that proceeding allowed NEE to develop a more comprehensive understanding of the utility’s planning process and ultimately develop more tailored recommendations for the Commission’s consideration.<sup>9</sup>

7. It is important that the Commission affirm both Sierra Club’s and NEE’s understanding of the discovery process in IRP Update proceedings to ensure adequate daylight on the utilities’ decision-making processes between Triennial IRP filings. Absent the ability to scrutinize Annual Update filings through discovery, stakeholders are limited in their ability to raise issues surrounding the utility’s consideration of changing factors or the decision-making process underlying the current preferred plan more generally. This opacity inherently hinders the Commission’s ability to properly assess the sufficiency of the Annual Update filing.

8. Finally, it is crucial that the Commission resolve this discovery dispute in this proceeding. While the deadline for stakeholder comments on Ameren’s IRP Annual Update coincides with this Response, this same issue will continue to arise in each subsequent IRP Annual

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<sup>8</sup> See Missouri PSC Docket Nos. EO-2022-0212 and EO-2022-0213, Comments of the Council for the New Energy Economics (Aug. 31, 2023) (referencing Evergy’s responses to NEE and Sierra Club data requests throughout).

<sup>9</sup> See *id.*

Update year if it is not resolved now. Clear Commission guidance on this issue will provide stakeholders with certainty as to the discovery process they can expect in IRP Annual Update proceedings and will mitigate the inefficiencies of continuously litigating the same discovery dispute in the future.

WHEREFORE, NEE respectfully requests that the Commission confirm the discovery process does apply in IRP Annual Update proceedings, and to grant it any other relief the Commission deems reasonable and proper.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record by email, this December 16<sup>th</sup>, 2024.

/s/Alissa Greenwald  
Alissa Greenwald