

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

In the Matter of the Application of Ameren)
Transmission Company of Illinois for a)
Certificate of Convenience and Necessity)
under Section 393.170.1, RSMo. relating)
to Transmission Investments in North)
Central Missouri)

Case No. EA-2025-0087

**PUBLIC COUNSEL’S MOTION FOR
A COMMISSION ORDER TO MAKE INFORMATION PUBLIC**

COMES NOW the Office of Public Counsel (“Public Counsel”) and moves the Commission to determine that for the information Ameren Transmission Company of Illinois, aka “ATXI,” has designated in its December 11, 2024, application and accompanying prefiled testimony in this case¹ to be confidential ATXI has neither given the explanations justifying confidentiality required by the first sentence of Commission rule 20 CSR 4240-2.135(2)(B) nor limited its redactions in accord with the second sentence of that rule 20 CSR 4240-2.135(2)(B) and, further, that ATXI has erroneously claimed that affected tract owner information is protected as rule 20 CSR 4240-2.135(2)(A)(1)—“customer-specific information,” and therefore, order ATXI to make public the information it has designated to be confidential unless, within ten days’ of the Commission’s order, ATXI shows good cause for why any of that information should be withheld from public access in this proceeding on the grounds that follow:

1. Commission rule 20 CSR 4240-2.135(1) shows that the Commission strongly favors transparency to the public:

All items filed in case proceedings before the commission shall be open to the public unless protected pursuant to this rule or otherwise protected by law.

¹ ATXI is seeking both a certificate of convenience and necessity for new 345 kV transmission lines and for authority to transfer to the Missouri Joint Municipal Electric Utility Commission (MJMEUC) an ownership interest in portions of those lines.

2. Consistent with promoting transparency, Commission rule 20 CSR 4240-

2.135(2)(B) requires:

(B) 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.* (Emphases added). In addition, each document that contains confidential information shall bear the designation “Confidential” and the paragraph(s) of 4 CSR 240-2.135(2)(A) through which that information is protected.

Subsection (2)(A) of rule 20 CSR 4240-2.135 follows:

(A) Any person may submit to the commission, without first obtaining a protective order, information designated as confidential if that information is—

1. Customer-specific information;
2. Employee-sensitive personnel information;
3. Marketing analysis or other market-specific information relating to services offered in competition with others;
4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;
5. Reports, work papers, or other documentation related to work produced by internal or external auditors, consultants, or attorneys, except that total amounts billed by each external auditor, consultant, or attorney for services related to general rate proceedings shall always be public;
6. Strategies employed, to be employed, or under consideration in contract negotiations;
7. Relating to the security of a company’s facilities; or
8. Concerning trade secrets, as defined in section 417.453, RSMo.

Affected Tract Information

3. ATXI asserts that the owners’ names and addresses, county location and state location of tracts of land that will be “directly affected by the routes and locations of the [new transmission lines]” it obtained from county tax assessors’ records that it has included in Appendix D to its application and repeated in Schedule MH-D5 to the prefiled direct testimony of Matt Hoven are confidential by rule 20 CSR 4240-2.135(2)(A)(1).

4. As ATXI correctly states, rule 20 CSR 4240-2.135(2)(A)(1) is for customer-specific information; however, none of the parcels, or the owners of them, are, or are contemplated to be, customers of ATXI. Instead, as ATXI says, the information, obtained from public records, identifies the tax assessors' records of the owners and parcel identifiers of the tracts of land that will be "directly affected by the routes and locations of the [new transmission lines]."

5. Anyone with web access can reproduce the information in Appendix D and Schedule MH-D5 by going to ATXI's Northern Missouri Grid Transformation Program webpage at [Northern Missouri Grid Transformation Program - Ameren.com](#), clicking on the "view map" button, clicking the Explore the Map button in the pop-up window, expanding that map to better view each individual tract, then obtaining the county tax assessor's publicly-available information for each tract—from the assessor, or from a third-party provider of that information.

6. In short, Public Counsel disagrees with ATXI that the owners' names and addresses, county location and state location of tracts of land that will be "directly affected by the routes and locations of the [new transmission lines]" fall within the plain language of rule 20 CSR 4240-2.135(2)(A)(1)—"customer-specific information," and ATXI has not explained how rule 20 CSR 4240-2.135(2)(A)(1) applies to make the owners' names and addresses, county location and state location of tracts of land that will be "directly affected by the routes and locations of the [new transmission lines]" confidential information as required by the first sentence of Commission rule 20 CSR 4240-2.135(2)(B).

7. In addition to Public Counsel's disagreement with ATXI regarding the applicability of rule 20 CSR 4240-2.135(2)(A)(1) to Appendix D and Schedule MH-D5, Public Counsel disagrees that all of the information in Appendix D and Schedule MH-D5 would warrant redaction if information that identifies landowners of affected tracts or the affected tracts were confidential.

Identification of the county and state where the tract is located does not identify either the landowner or the specific tract—only adding the names, addresses and tax identification numbers would do that. Therefore, consistent with the second sentence of rule 20 CSR 4240-2.135(2)(B)—“Only the specific information that qualifies as confidential shall be designated as such,” at a minimum, the counties and state where the affected tracts are located should not be confidential; however, ATXI has designated the entirety of Appendix D to be confidential and not included a public version of Schedule MH-D5.

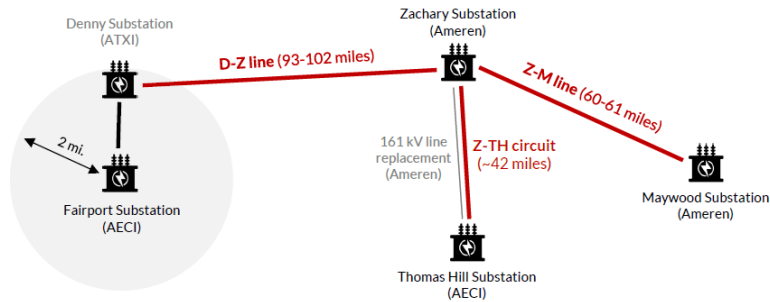
Security of Facilities

8. ATXI asserts that entirety of the planned facilities information in Schedule NR-D1 to the prefiled direct testimony of Nick Rudis is confidential by rule 20 CSR 4240-2.135(2)(A)(7)—relating to the security of a company’s facilities.

9. As ATXI correctly states, rule 20 CSR 4240-2.135(2)(A)(7) is for information relating to the security of a company’s facilities. The information about its proposed transmission lines in Schedule NR-D1 is very high level, and these lines are part of the Long Range Transmission Planning (LRTP) Tranche 1 Portfolio which MISO approved in July of 2022.²

10. On April 2, 2024, MISO issued its Selection Report for the Denny - Zachary - Thomas Hill - Maywood 345 kV Competitive Transmission Project ([DZTM 345 kV Selection Report632383.pdf](#)) wherein it documented the project and selection process for choosing ATXI to build the project. That report, publicly available, includes information that ATXI has treated confidential in Schedule NR-D1, see e.g., Figure 13. the DZTM 345 kV facility map on page 22 of that report:

² July 2022 approval date: <https://help.misoenergy.org/knowledgebase/article/KA-01391/en-us#:~:text=In%20July%202022%2C%20the%20MISO.an%20addendum%20to%20MTEP%2021>



11. Further, by written description ATXI publicly includes in the main body of its application information that it also includes in Schedule NR-D1 that ATXI has designated confidential in its entirety.

12. Significantly, ATXI has given no explanation for how disclosing any of the information in Schedule NR-D1 would compromise the security of anyone's facilities.

Information in Contracts

13. ATXI asserts that entirety of three contracts, Schedules NR-D3 (unexecuted joint use agreement between ATXI and Ameren Missouri), NR-D4 (executed joint ownership agreement between ATXI and MJMEUC), and NR-D6 (unexecuted joint use agreement between ATXI and AECI apparently mislabeled Schedule NR-D4) to the prefled direct testimony of Nick Rudis, are confidential by rule 20 CSR 4240-2.135(2)(A)(6)&(8)—strategies employed, to be employed, or under consideration in contract negotiations, and concerning trade secrets, as defined in section 417.453, RSMo., respectively.

14. ATXI provides no explanation for how making any of these contracts, or any part of them, public would reveal contract negotiation strategies or trade secrets; further, in public portions of his prefled direct testimony Nick Rudis reveals the contracting parties and the types of contracts, as well as certain terms of them, e.g., MJMEUC will own 49% of parts of the lines.

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 16th day of January 2025.

/s/ Nathan Williams