

**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) File No. EA-2025-0087
under Section 393.170.1, RSMo Relating)
to Transmission Investments in North)
Central Missouri)

**RESPONSE OF THE MISSOURI JOINT MUNICIPAL ELECTRIC UTILITY
COMMISSION d/b/a MISSOURI ELECTRIC COMMISSION
TO THE OFFICE OF PUBLIC COUNSEL’S
MOTION FOR A COMMISSION ORDER TO MAKE INFORMATION PUBLIC**

The Missouri Joint Municipal Electric Utility Commission d/b/a Missouri Electric Commission (“MEC”) hereby respectfully submits its opposition to the January 16, 2025 motion of the Office of Public Counsel (“OPC”) to make public the confidential *Joint Ownership Agreement* between MEC and Ameren Transmission Company of Illinois (“ATXI”) that is marked Schedule NR-D4 to the direct testimony submitted in this case by ATXI’s Nick Rudis.¹ Based on the following two arguments of law and fact, the Commission should deny OPC’s motion with regard to Schedule NR-D4.

First, OPC failed to notify MEC that it intended to obtain a Commission order to make public this MEC document which has been identified to OPC as a “confidential” document deserving of the Commission’s protection as such. At paragraphs 13-14 of its motion, OPC acknowledges that there are two parties to the document marked Schedule NR-D4: ATXI and MEC. However, at paragraph 15 of its motion, OPC admits that it raised its objections to the

¹ MEC herein responds to OPC’s motion to make public the document that is an MEC document: the *Joint Ownership Agreement* between MEC and ATXI. With regard to the remaining documents and information addressed in OPC’s motion, MEC supports ATXI’s response.

justification for the “confidential” designation of Schedule NR-D4 only with ATXI. Indeed, OPC failed to even serve MEC with its motion. Moreover, given that there is still no ruling on MEC’s unopposed December 30, 2024 *Application to Intervene* in this case, MEC also did not receive service of OPC’s motion through the Commission’s EFIS system. Thus, MEC had no notice of OPC’s intent to publicize its confidential document until MEC received notice of the Commission’s January 17, 2025 *Order Directing Response* to OPC’s motion. MEC hereby confirms that if OPC had ever reached out to MEC to discuss the justification for the confidential designation for Schedule NR-D4, MEC would have been happy to provide said justification.

Second, OPC already has full and fair, constructive notice of the legal grounds for designating as confidential in this case the *Joint Ownership Agreement* (Schedule NR-D4) between MEC and ATXI. At pages 1-2 of ATXI’s *Application* filed in this case, OPC was advised that this case is “Phase 2” of the Northern Missouri Grid Transformation Program, and that the Commission’s pending Case No. EA-2024-0302 is “Phase 1” of that same Program. OPC is a party to EA-2024-0302 and thus has possession of Schedule TD-D4 of ATXI’s Tracy Dencker’s direct testimony filed in that case. Schedule TD-D4 in Case No. EA-2024-0302 is the exact same *Joint Ownership Agreement* between MEC and ATXI as the document filed in this case as Schedule NR-D4. In Case No. EA-2024-0302, ATXI identified the legal grounds for the “confidential” designation of that *Joint Ownership Agreement* (Schedule TD-D4) to be 4 CSR 240-2.135 (2), (6) and (8). Moreover, MEC’s John Twitty’s direct testimony filed in Case No. EA-2024-0302 included as Schedule JT-2 the same *Joint Ownership Agreement* between MEC and ATXI. MEC identified RSMo §§610.021(2), (12) and (14) and 20 CSR 4240-2.135 (2)(A)(6) and (8) as the legal justification for the Commission’s confidential protection for Schedule JT-2, the *Joint Ownership Agreement* between MEC and ATXI. OPC filed no objection in Case No.

EA-2024-0302 to either ATXI's or MEC's designation of "confidential" for their *Joint Ownership Agreement* which was filed in that case as Schedule TD-D4 and Schedule JT-2. Consequently, it appears that OPC seeks in this case to violate the Commission's unopposed confidential protection already provided for the same document filed in EA-2024-0302.

WHEREFORE, MEC respectfully requests that the Commission deny OPC's motion because it is unsupported by fact or law, would violate this Commission's unopposed protection of confidentiality previously provided for the same document in EA-2024-0302, and is wasteful of the parties' and this Commission's time and resources given that OPC's stated concerns could have been easily addressed if OPC had only communicated with MEC – one of the two parties to the document at issue.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **Response of the Missouri Joint Municipal Electric Utility Commission d/b/a Missouri Electric Commission to the Office of Public Counsel' Motion for a Commission Order to Make Information Public** have been mailed, emailed or hand-delivered to all parties on the official service list for this case on this 23rd day of January 2025.

/s/ Peggy A. Whipple

Peggy A. Whipple