

**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 AMEREN TRANSMISSION COMPANY OF ILLINOIS TO
OFFICE OF PUBLIC COUNSEL’S MOTION TO MAKE INFORMATION PUBLIC**

COMES NOW Ameren Transmission Company of Illinois (ATXI or the Company), through its undersigned counsel, and for its response to the Office of Public Counsel’s Motion for a Commission Order to Make Information Public (Motion), states as follows:

1. On December 11, 2024, ATXI filed an application with the Commission (i) seeking an order granting a Certificate of Convenience and Necessity (CCN) pursuant to Section 393.170.1, RSMo, and (ii) requesting permission and authority to transfer an undivided 49% interest in certain transmission facilities for the DZTM Project to the Missouri Joint Municipal Electric Utility Commission (MJMEUC) before those facilities are placed into service, pursuant to Section 393.190.1, RSMo, 20 CSR 4240-2.060, and 20 CSR 4240-10.105.

2. The CCN would authorize ATXI to construct, install, own, operate, control, manage, and maintain slightly over 200 miles of new 345 kV transmission circuits across the State of Missouri – referred to as the Denny-Zachary-Thomas Hill-Maywood Project, or DZTM Project. The DZTM Project constitutes 1 of the 18 Multi-Value Projects (MVPs) approved by MISO as part of its Long-Range Transmission Planning (LRTP) Tranche 1 Portfolio incorporated into the 2021 MISO Transmission Expansion Plan (MTEP21). Application, pp. 1-2.

3. The segment of the DZTM Project that will run from ATXI’s new Denny Substation in DeKalb County, to ATXI’s existing Zachary Substation near Kirksville, Missouri

(the DZ Segment) consists of two configuration options, one of which (the double circuit option) would be undertaken in collaboration with Associated Electric Cooperative, Inc. (AECI). Under that option ATXI would rebuild a section of an existing AECI 161 kV transmission line in a double circuit configuration and build a separate greenfield section in a double circuit configuration with a planned AECI 161 kV transmission line, in order to collocate the new 345 kV circuit on a single set of structures for the vast majority of the DZ Segment. Application, p. 2.

4. The segment of the DZTM Project that runs from the Zachary Substation to AECI's existing Thomas Hill Substation in Randolph County, Missouri (the ZT Segment) will rebuild approximately 44 miles of an existing Union Electric Company d/b/a Ameren Missouri (Ameren Missouri) single circuit 161 kV transmission line to a double circuit line within and overlapping the existing transmission corridor.

5. In support of its case-in-chief, ATXI filed the prefiled direct testimony of nine (9) witnesses. None of the narrative testimony of these witnesses was designated confidential. The only documents designated confidential were: (a) an attachment to Appendix D to the Application; (b) four (4) schedules to the Direct Testimony of Nick Rudis; and (c) one (1) schedule to the Direct Testimony of Matt Hoven (which is the same document as the attachment to Appendix D to the Application). In each instance, ATXI described the substance or content of each document in the Application or Testimony, including a cover sheet identifying the paragraph(s) of 4 CSR 240-2.135(2)(A) through which the information is protected. ATXI designated the entirety of each appendix or schedule confidential. For purposes of analysis and discussion, the five (5) documents fall into one of three categories or groups.

Landowners Personal Information

6. Appendix D to the Application / Schedule MH-D5 is a list of the names and addresses of the affected landowners who received notice of the Application in this proceeding. Application, p. 23, fn. 8; Application, Appendix D, Attachment DZ Segment CONFIDENTIAL Cover Sheet; Application, Appendix D, Attachment ZM Segment CONFIDENTIAL Cover Sheet; Application, Appendix D, Attachment ZT Segment CONFIDENTIAL Cover Sheet; Direct Testimony of Matt Hoven, p. 6; Schedule MH-D5 CONFIDENTIAL Cover Sheet. ATXI designated those lists as confidential pursuant to 20 CSR 4240-2.135(2)(A)1, which refers to “[c]ustomer-specific information.” The Office of Public Counsel (OPC) argues in the Motion that this information was not properly designated confidential because the affected landowners are not customers of ATXI and because the underlying information was compiled and created from information which is publicly available. Motion, pp. 2-3.¹

7. ATXI submits that in the context of a transmission line CCN proceeding and the policy to protect the personal information of individuals reflected by the establishment of confidential protections for “customer-specific information” in 20 CSR 4240-2.135(2)(A)1, the names and addresses of individual landowners from whom ATXI may need to obtain the necessary land rights constitutes customer-specific information under 20 CSR 4240-2.135(2)(A)1. ATXI also notes that in prior cases confidential designations have been applied to landowner lists in CCN proceedings for transmission lines. *In the Matter of the Application of Ameren Transmission Company of Illinois for a Certificate of Public Convenience and Necessity to Construct, Install, Own, Operate, Maintain, and Otherwise Control and Manage a 138 kV Transmission Line and associated facilities in Perry and Cape Girardeau Counties, Missouri (Limestone Ridge)*, File No.

¹ OPC’s Motion does not contain printed page numbers. Citations are to the actual pages of the Motion.

EA-2021-0087, Application, Appendix D Confidential (Apr. 28, 2021); *In the Matter of the Application of Ameren Transmission Company of Illinois for a Certificate of Convenience and Necessity under Section 393.170 RSMo. relating to Transmission Investments in Southeast Missouri* (Project America), File No. EA-2022-0099, Application and Motion for Expedited Treatment, Appendix D Confidential (Dec. 21, 2021); *In the Matter of the Application of NextEra Energy Transmission Southwest, LLC for a Certificate of Public Convenience and Necessity to Construct, Install, Own, Operate, Maintain, and Otherwise Control and Manage a 345 kV Transmission Line and associated facilities in Barton and Jasper Counties, Missouri*, File No. EA-2022-0234, Application, Appendix C (July 7, 2022). As to OPC's argument that that the information is publicly available, OPC ignores that the list compiled by ATXI is not readily available and could only be duplicated with significant research and effort.

Security of Facilities – One Line Diagrams

8. Schedule NR-D1 (Confidential) is a Phase 2 DZTM Project One-line Diagram designated as Confidential pursuant to 20 CSR 4240-2.135(2)(A)7, which refers to document and information “[r]elating to the security of a company’s facilities.” Direct Testimony of Nick Rudis, p. 10; Schedule NR-D1 (Confidential) Cover Sheet. OPC argues that the information in Schedule NR-D1 Confidential “is very high level” and that some of the information is otherwise publicly disclosed in MISO public reports. Motion, pp. 4-5. This is an incorrect assertion by OPC. The One-Line Diagrams which constitute Schedule NR-D1 (Confidential) may contain certain information that is consistent with public disclosures by MISO of the general location of the new 345 kV transmission circuits that are included in the DZTM Project, but the one-line diagrams contain additional and different technical information about the design, configuration, and line

identifiers for those circuits that renders Schedule NR-D1 Confidential exactly the type of critical infrastructure information intended to be protected by 20 CSR 4240-2.135(2)(A)7.

9. The Department of Homeland Security’s (DHS) Cybersecurity and Infrastructure Security Agency (CISA) describes the nation’s critical infrastructure as “provid[ing] the essential services that underpin American society and serve as the backbone of our nation’s economy, security, and health. We know it as the power we use in our homes, the water we drink, the transportation that moves us, the stores we shop in, and the communication systems we rely on to stay in touch with friends and family.”² Federal law recognizes that “[p]rivate business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors,” and that a “continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.” 42 U.S.C. § 5195c(b)(2), (3). The transmission systems of ATXI, including the proposed DZTM Project, constitute and contain “critical infrastructure” including “systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.” 42 U.S.C. § 5195c(e).

10. The law defines certain “Critical Infrastructure Information” as:

. . . information not customarily in the public domain and related to the security of critical infrastructure or protected systems, including documents, records or other information concerning:

² <https://www.cisa.gov/sector-risk-management-agencies>.

(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

6 U.S.C. § 671(3); 6 C.F.R. § 29.2(b). The release of circuit design information relating to ATXI's transmission systems and functions could pose a threat to public safety and security.

11. The information contained in Schedule NR-D1 (Confidential) was properly designated, and OPC's Motion with respect to that schedule should be denied.

Contracts with ATXI Partners on the Project

12. The last group of confidential documents for which OPC seeks to challenge ATXI's Confidential designation is for contracts with three (3) of ATXI's partners, MJMEUC, AECl, and Ameren Missouri, for joint use or ownership of certain assets which will or may be part of the DZTM Project as described in paragraphs 1, 3, and 4, above. Motion, pp. 5-6. All of those contracts (two of which have not yet been executed) were designated as Confidential information under 20 CSR 4240-2.135(2)(A) 6 and 8. Direct Testimony of Nick Rudis, p. 10; Schedules NR-D3, NR-D4, and NR-D6 (Confidential) Cover Sheets.³ Paragraph 6 refers to "[s]trategies

³ ATXI also intended to include a check mark for paragraph 3 ("Marketing analysis or other market specific information relating to services offered in competition with others"). Portions of the DTZM Project were awarded through MISO's Competitive Developer Selection Process, and ATXI's arrangements with its partners who will jointly own or use such facilities with ATXI would disclose information that ATXI's competitors could use to the

employed, to be employed, or under consideration in contract negotiations,” while paragraph 8 refers to “[c]oncerning trade secrets, as defined in section 417.453, RSMo.” 20 CSR 4240-2.135(2)(A) 6 and 8. ATXI notes that while approval of these contracts is not required or sought in the Application, ATXI has submitted these contracts in the interest of transparency for the Commission and other stakeholders.

13. The draft unsigned contracts reflect the current terms and conditions of those contracts, and if publicly disclosed could be used to the detriment of ATXI in negotiating similar contracts going forward. The detailed terms and conditions of the contracts reflect how ATXI is structuring its use and ownership of transmission facilities with its third-party partners, including in connection with proposals for competitive transmission projects being developed by MISO. This information could be used to the benefit of ATXI’s competitors and the detriment of ATXI in this and future projects involving those or other partners, and falls within the protected categories of Confidential information defined in 20 CSR 4240-2.135(2)(A) 3, 6, and 8. Similar contracts have also been designated as Confidential in other proceedings. See *In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission to Transfer an Interest in Transmission Assets under Section 393.190.1* (Hannibal Project), File No. EM-2022-0292, Application, Appendix D (April 19, 2022).

14. OPC also notes that the entire contracts are designated Confidential and that certain information, such as MJMEUC’s ownership interest percentage, have been publicly disclosed in testimony. Motion, pp. 5-6. That certain high-level information has been disclosure regarding the nature of the contracts between ATXI and its partners does not invalidate the confidential nature of the detailed terms and conditions reflected in the contracts. Moreover, it is the sum and

detriment of ATXI. ATXI requests leave to submitting revised cover sheets for the contracts which also designate paragraph 3 as one of the bases for designating those documents confidential.

substance of virtually the entire contracts which contain the information which warrants confidential treatment here, and redacting all or the vast majority of these contracts would elevate form over substance, be inefficient, and serve no real purpose. Further, ATXI's partners have their own interest in protecting the Confidential status of those documents. The documents in question are available to OPC and other parties who comply with the Commission's rule with respect to receiving material designated Confidential. ATXI submits that OPC's Motion should be denied with respect to publicly disclosing the contracts with MJMEUC, AECI, and Ameren Missouri, or requiring ATXI to redact those documents.

WHEREFORE, ATXI requests that the Commission deny OPC's Motion.

Dated: January 27, 2025

Respectfully submitted,

AMEREN TRANSMISSION COMPANY OF ILLINOIS

By: /s/ Carmen L. Fosco
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served via electronic mail (e-mail) on the certified service list maintained by the Missouri Public Service Commission on its Electronic Filing Information System in this case on January 27, 2025.

/s/ Carmen L. Fosco

Carmen L. Fosco