

**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 RESPONSE TO MISSOURI JOINT MUNICIPAL  
ELECTRIC UTILITY COMMISSION’S OPPOSITION TO PUBLIC COUNSEL’S  
MOTION FOR A COMMISSION ORDER TO MAKE INFORMATION PUBLIC**

**COMES NOW** the Office of Public Counsel (“Public Counsel”) and responds to Missouri Joint Municipal Electric Utility Commission’s opposition to the request in Public Counsel’s motion for the Commission to order Ameren Transmission Company of Illinois, aka “ATXI,” to make public those portions of Schedule NR-D4 (executed joint ownership agreement between ATXI and MJMEUC) that ATXI filed as part of its application in this case unless within ten days’ of the order ATXI shows good cause for why any of that information should be withheld from public access in this proceeding as follows:

1. Public Counsel has access to the unredacted versions of the documents for which ATXI has asserted confidentiality, in whole or in part; thus, Public Counsel’s goal with its motion is to minimize the information in ATXI’s application and accompanying testimony that the public cannot see to the information which is entitled to confidentiality by rule 20 CSR 4240-2.135, or otherwise by law or Commission order.

2. Because ATXI asserts the information it has redacted is confidential by rule 20 CSR 4240-2.135 Public Counsel has set out in its motion how it views the claims of confidentiality it is challenging do not comply with that rule, and is requesting the Commission to impose the consequence of public disclosure if ATXI does not within a reasonable time (ten days) either cure those defects or otherwise establish the information should not be made public.

3. Among the information that ATXI has claimed confidentiality is Schedule NR-D4 (executed joint ownership agreement between ATXI and MJMEUC) which ATXI asserts is confidential in its entirety by subparts 6 and 8 of rule 20 CSR 4240-2.135(2)(A)—strategies employed, to be employed, or under consideration in contract negotiations, and concerning trade secrets, as defined in section 417.453, RSMo., respectively.

4. Like ATXI, Missouri Joint Municipal Electric Utility Commission has not explained why everything, or anything, in Schedule NR-D4 is entitled to the confidentiality protections of subparts 6 and 8 of rule 20 CSR 4240-2.135(2)(A)—strategies employed, to be employed, or under consideration in contract negotiations, and concerning trade secrets, as defined in section 417.453, RSMo., respectively, nor has it raised any other argument for why any part of the information in Schedule NR-D4 should not be made public. Further, as Public Counsel pointed out in its motion, certain information in Schedule NR-D4 is in the public domain, *e.g.*, that ATXI and Missouri Joint Municipal Electric Utility Commission are parties to a shared ownership agreement for portions of the line where ATXI will own 51% and Missouri Joint Municipal Electric Utility Commission will own 49%. It is far from obvious to Public Counsel how an executed agreement falls into either subparts 6 or 8 of rule 20 CSR 4240-2.135(2)(A), but the onus of doing that is on the party who invokes them—here ATXI, and now Missouri Joint Municipal Electric Utility Commission. There is no presumption of confidentiality for either—a premise from which it appears Missouri Joint Municipal Electric Utility Commission is arguing.

5. As to Missouri Joint Municipal Electric Utility Commission's notice arguments, Public Counsel's motion is directed to ATXI actions, not Missouri Joint Municipal Electric Utility Commission actions. Public Counsel is not obligated to review every Commission file, or other proceedings in other forums, to see how the same information may have been treated there, the

confidentiality of information can change with time, and, in any event, Missouri Joint Municipal Electric Utility Commission has not been prejudiced from being heard here.

**Wherefore**, the Office of Public Counsel responds to Missouri Joint Municipal Electric Utility Commission's opposition to Public Counsel's motion as set forth above and continues to move the Commission to determine that for the information in its December 11, 2024, application and accompanying prefiled testimony in this case for which it claims confidentiality ATXI has neither given the explanations justifying confidentiality nor limited its redactions as required by rule 20 CSR 4240-2.135(2)(B) and, further, 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.

Respectfully,

*/s/ Nathan Williams*

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**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 28<sup>th</sup> day of January 2025.

*/s/ Nathan Williams*