

**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 REPLY TO  
AMEREN TRANSMISSION COMPANY OF ILLINOIS’ RESPONSE**

**COMES NOW** the Office of Public Counsel (“Public Counsel”) and replies to Ameren Transmission Company of Illinois’, aka “ATXI,” response to Public Counsel’s motion requesting that the Commission make information public if ATXI does not comply with the rule 20 CSR 4240-2.135(2)(B) required explanations and limit its redactions to only qualifying information as follows:

1. As it said in its response to Missouri Joint Municipal Electric Utility Commission opposition to Public Counsel’s motion, 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. As Public Counsel also said in that response, 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. ATXI divides its response to Public Counsel's motion into three sections: *Landowners Personal Information*, *Security of Facilities – One Line Diagrams*, and *Contracts with ATXI Partners on the Project*. Following ATXI's sections in sequence Public Counsel's replies show ATXI still has not cured its deficiencies in claiming rule 20 CSR 4240-2.135 confidentiality.

#### ***Landowners Personal Information***

4. ATXI attempts to stretch the meaning of "Customer-specific information" beyond its plain and ordinary meaning by referring to prior cases where the parties and the Commission treated transmission route landowner specific information confidentially. Further, it asserts, "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."

5. As the court in [State ex rel. Stewart v. Civil Serv. Comm'n, 120 S.W.3d 279 \(Mo. Ct. App. 2003\)](#), said,

We interpret agency rules under the same principles that we use to interpret statutes, and discern the drafters' intent by giving the words used their plain and ordinary meaning. Seeley v. Anchor Fence Co., 96 S.W.3d 809, 815-16 (Mo.App. 2002). "We determine the intention of a governing body's order or ordinance by presuming that the body intended the plain and ordinary meaning of the words it used in its order or ordinance." Armstrong v. Adair County, 990 S.W.2d 64, 66 (Mo.App. 1999). We look to a dictionary for the plain and ordinary meaning of words. Motton v. Outsource Intern., 77 S.W.3d 669, 673 (Mo.App. 2002). We may also look at prior judicial meanings [\*\*15] given to the words. Leiser v. City of Wildwood, 59 S.W.3d 597, 603 (Mo.App. 2001). We presume that a governing body acted with knowledge of existing judicial interpretations and definitions of words. Id.

[State ex rel. Stewart v. Civil Serv. Comm'n, 120 S.W.3d at 286.](#)

6. The plain and ordinary meaning of "Customer-specific information" does not include transmission route landowner specific information as ATXI asserts.

7. In an undesirable step back from transparency and solicitation of public input, after Public Counsel filed its motion ATXI removed the satellite imagery and other information one would typically see on a service such as Google Maps from the map of its transmission line route that it published at the link [Northern Missouri Grid Transformation Program - Ameren.com](#) leaving only its layer of transmission line route, counties along that route, and parcels crossed by that route as the default view. One can change the basemap to show a satellite-like view map (Firefly Imagery Hybrid) with the overlay.

8. Regardless, one can still ascertain features along that route, and by following the route identify particular parcels which one can then locate on web-based services such as Regrid ([Co. Rds. 108 & 99 - 63461 - Regrid](#)) and AcreValue ([Farmland Values, Soil Survey & GIS Maps | AcreValue](#)) for a few dollars, or potentially free, and obtain the owner information from that service.

9. While Public Counsel is not arguing that ATXI cannot possibly demonstrate that the transmission route landowner information it claims is entitled to be withheld from the public must be secreted, Public Counsel has demonstrated the rule 20 CSR 4240-2.135(2)(A)(1) basis upon which ATXI is relying for that outcome is misplaced and that ATXI has not otherwise shown why any, or all, of that information warrants being secreted.

### ***Security of Facilities – One Line Diagrams***

10. In an apparent grudging near admission ATXI states, “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*, (Emphasis added.) 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.”

11. While ATXI may be able to explain how information in Schedule NR-D1 falls into the laws it cites in paragraphs 9 and 10 of its response, it has not done so. After essentially admitting that Schedule NR-D1 includes information already publicly available and disclosure of which presumably does not trigger security concerns, ATXI does not identify what information in Schedule NR-D1 does trigger those concerns or explain why it does so—ATXI merely cites federal law. Moreover, if one assumes some information Schedule NR-D1 would trigger security concerns, ATXI has not limited its redactions to “the specific information that qualifies as confidential.” In short, ATXI still has not complied with rule 20 CSR 4240-2.135(2)(B).

#### ***Contracts with ATXI Partners on the Project***

12. In paragraph 13 of its response ATXI appears to be arguing that ATXI would be disadvantaged when competing for building/owning future transmission projects if the “detailed terms and conditions of the contracts” (Schedules NR-D3, NR-D4, and NR-D6) that it has designated to be confidential were made public. If that is its explanation, it may suffice for purposes of satisfying the explanation requirement of rule 20 CSR 4240-2.135(2)(B).

13. However, if it is ATXI’s argument that publicly disclosing “detailed terms and conditions of the contracts” would put it at a competitive disadvantage, that argument coupled with ATXI’s arguments that “it is the sum and 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” do not support secreting from public view the entireties of Schedules NR-D3, NR-D4, and NR-D6, including the publicly disclosed terms of the contracts, and the publicly disclosed parties to them.

It only supports secreting the “detailed terms and conditions of the contracts” which would put it at a competitive disadvantage when negotiating for future transmission projects.

**Wherefore**, the Office of Public Counsel replies to ATXI’s response 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), except to the extent it now may have done so with regard to the Schedules NR-D3, NR-D4, and NR-D6 contracts, 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 3<sup>rd</sup> day of February 2025.

/s/ Nathan Williams