

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at the Commission's office in Jefferson City on the 27th day of February, 2025.

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)

ORDER REGARDING MOTION TO MAKE INFORMATION PUBLIC

Issue Date: February 27, 2025

Effective Date: February 27, 2025

On December 11, 2024, Ameren Transmission Company of Illinois (ATXI) filed an application with the Commission seeking an order granting a certificate of convenience and necessity (CCN) for 345 kV transmission lines across a portion of North Central Missouri – referred to as the Denny-Zachary-Thomas Hill-Maywood Project, or DZTM Project – and for authority to transfer an ownership interest in a portion of the transmission lines to the Missouri Joint Municipal Electric Utility Commission d/b/a Missouri Electric Commission. Concurrent with the filing of its application, ATXI also filed direct testimony in support of its application. ATXI designated as confidential portions of the application and the prefiled direct testimony.

On January 16, 2025,¹ the Office of the Public Counsel (OPC) filed a *Motion for a Commission Order to Make Information Public* (Motion). The Motion argues that ATXI has not met the requirements of Commission Rule 20 CSR 4240-2.135(2) in that (1) it has not

¹ Unless otherwise noted, all date references throughout the remainder of this order refer to the year 2025.

given explanations justifying confidentiality, (2) it has not limited redactions of confidential information to only the specific information that qualifies as confidential, and (3) it has erroneously designated affected tract owner information as confidential “customer-specific information.”

On January 23, Missouri Electric Commission filed a response to the Motion; ATXI filed a response on January 27. OPC filed responses to those parties’ responses on January 28 and February 3, respectively.

Commission Rule 20 CSR 4240-2.135(2)(B) states that information designated as confidential shall be submitted with a cover sheet or pleading describing how such information qualifies as confidential, including a citation of the specific subsection relied upon. OPC argues that, although ATXI has cited the specific subsections relied upon in designating certain schedules as confidential that are attached to the prefiled direct testimony of witnesses Nick Rudis and Matt Hoven, it has not provided an explanation of how the information qualifies as confidential. OPC objects to Nick Rudis’s Schedules NR-D1 (planned facilities information), NR-D3 (unexecuted joint ownership agreement between ATXI and Ameren Missouri), NR-D4 (executed joint ownership agreement between ATXI and Missouri Electric Commission), and NR-D6 (unexecuted joint use agreement between ATXI and Associated Electric Cooperative, Incorporated). OPC also objects to Matt Hoven’s Schedule MH-D5 (affected tract information) – which is also Appendix D to the application.

SECURITY OF FACILITIES

ATXI has designated the entirety of Schedule NR-D1 as confidential as “relating to the security of a company’s facilities.”² OPC states that certain information in Schedule NR-D1 need not be designated as confidential because it is publicly available. Further, OPC objects to the lack of explanation provided by ATXI as to how disclosure of any of the information in Schedule NR-D1 would compromise the security of any company’s facilities. ATXI responded that, although certain information in Schedule NR-D1 may be consistent with public disclosures of the general location of the proposed transmission circuits, additional and different technical information about the design, configuration, and line identifiers for those circuits renders Schedule NR-D1 the type of “critical infrastructure information” under federal law that, should it be made public, could pose a threat to public safety and security.

CONTRACTS

ATXI has designated the entirety of three contracts with partners (two not yet executed) for joint use or ownership of certain assets which will or may be part of the DZTM Project as confidential as “strategies employed, to be employed, or under consideration in contract negotiations”³ and “concerning trade secrets.”⁴ OPC objects to the lack of explanation from ATXI as to how the contracts qualify as confidential under Commission Rule 20 CSR 4240-2.135(2)(A) – that is, how making the contracts public would reveal contract negotiation strategies or trade secrets. OPC acknowledges that

² Commission Rule 20 CSR 4240-2.135(2)(A)7.

³ Commission Rule 20 CSR 4240-2.135(2)(A)6.

⁴ Commission Rule 20 CSR 4240-2.135(2)(A)8.

ATXI submitted these contracts with the application in the interest of transparency and not for the purpose of seeking Commission approval of the contracts.

In their response to OPC's motion, ATXI stated that they also intended to list "market analysis or other market-specific information relating to services offered in competition with others"⁵ as a basis for confidential designation for the contracts. ATXI argues that disclosing the terms and conditions of the contracts could be used to the detriment of ATXI, and to the advantage of its competitors, in this and future projects involving partners. ATXI maintains that redacting portions of the contracts would serve no real purpose because virtually the entire contracts contain information that warrants confidential treatment. ATXI adds that the other parties to the contracts have their own interest in protecting the confidentiality of the contents of the contracts.

In its response to OPC's motion, Missouri Electric Commission points out that this case is "Phase 2" of the Northern Missouri Grid Transformation Program, with "Phase 1" pending before the Commission in File No. EA-2024-0302. In that case, ATXI submitted with prefiled direct testimony the same document as the Schedule NR-D4 submitted in this case. Missouri Electric Commission states that OPC made no objection to the confidential designation of that document in EA-2024-0302; therefore, to do so in this case would violate the protection previously granted in the other case.

AFFECTED TRACT INFORMATION

Appendix D of ATXI's application and Matt Hoven's Schedule MH-D5 are identical lists of the owners' names and addresses of tracts of land directly affected by the routes and locations of the proposed transmission lines, as well as location information for the

⁵ Commission Rule 20 CSR 4240-2.135(2)(A)3.

affected tracts. ATXI has designated that information as confidential “customer-specific information.”⁶ OPC objects to that designation, arguing that none of the tracts, nor the owners of the tracts, are, or will be, customers of ATXI. Further, OPC points out that ATXI has not provided an explanation of how the “customer-specific information” designation applies. In addition, OPC argues that the county and state where each affected tract is located should be made public.

In its response to OPC’s motion, ATXI argues that, in the context of a transmission line CCN proceeding before the Commission, the names and addresses of affected landowners constitutes “customer-specific information”. Further, the Commission has allowed confidential designation for landowner lists in three prior transmission line CCN proceedings. ATXI adds that the compiled landowner list is not readily available and would require significant research and effort to duplicate.

CONCLUSION

The Commission has reviewed OPC’s motion, the responses to the motion, the rules on confidentiality, and the schedules/appendix at issue. As to Schedule NR-D1 (planned facility information), the Commission agrees with OPC that no explanation was provided by ATXI with Schedule NR-D1 as to how disclosure of any of the information contained therein would compromise the security of any company’s facilities. However, the Commission finds that ATXI, in its response to OPC’s motion, has provided sufficient explanation for the confidentiality designation. Nonetheless, the Commission will direct ATXI to submit an amended Schedule NR-D1 with a cover sheet or pleading describing how the information qualifies as confidential under Commission Rule 20 CSR 4240-

⁶ Commission Rule 20 CSR 4240-2.135(2)(A)1.

2.135(2)(A)7 and how that subsection applies. Further, the Commission will direct ATXI to limit the redaction of confidential information in Schedule NR-D1 to only the specific information that qualifies as confidential.

As to Schedules NR-D3, NR-D4, and NR-D6 (contracts), again, although the Commission agrees with OPC that no explanation was provided by ATXI with the schedules as to how disclosure of the contracts' terms and conditions would reveal contract negotiation strategies, trade secrets, or market analysis, the Commission finds that ATXI's response to OPC's motion provides adequate explanation for the confidentiality designation. Likewise, the Commission will direct ATXI to submit amended Schedules NR-D3, NR-D4, and NR-D6 with cover sheets or pleadings describing how the information qualifies as confidential under Commission Rule 20 CSR 4240-2.135(2)(A), subsections 3, 6, and 8 and how those subsections apply. Further, the Commission will direct ATXI to limit the redaction of confidential information in Schedules NR-D3, NR-D4, and NR-D6 to only the specific information that qualifies as confidential.

As to the document that is Schedule MH-D5 and Appendix D, the Commission finds that, while the names and addresses of the affected landowners and the location information for the affected tracts of land may not constitute "customer-specific information" in this situation and may be available in public records, the personally identifiable information of the landowners should not unnecessarily be made public. However, the Commission agrees with OPC that the county and state for each affected tract should be made public. Accordingly, the Commission will direct ATXI to file an amended Schedule MH-D5/Appendix D that makes that information public.

THE COMMISSION ORDERS THAT:

1. No later than March 21, 2025, ATXI shall submit an amended Schedule NR-D1 to Nick Rudis's direct testimony with a cover sheet or pleading describing how the information qualifies as confidential under Commission Rule 20 CSR 4240-2.135(2)(A)7 and how that subsection applies. In addition, ATXI shall limit the redaction of confidential information in Schedule NR-D1 to only the specific information that qualifies as confidential.

2. No later than March 21, 2025, ATXI shall submit amended Schedules NR-D3, NR-D4, and NR-D6 to Nick Rudis's direct testimony with a cover sheet or pleading describing how the information qualifies as confidential under Commission Rule 20 CSR 4240-2.135(2)(A), subsections 3, 6, and 8 and how those subsections apply. In addition, ATXI shall limit the redaction of confidential information in those schedules to only the specific information that qualifies as confidential.

3. No later than March 21, 2025, ATXI shall submit an amended Schedule MH-D5 to Matt Hoven's direct testimony and an amended Appendix D to the application that makes public the county and state for each tract of land affected by the DZTM Project.

4. This order is effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Hahn, Ch., Coleman, Holsman
Kolkmeier, and Mitchell CC., concur.

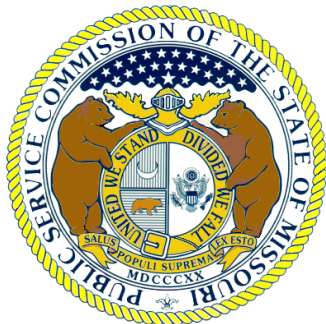
Seyer, Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 27th day of February 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

February 27, 2025

File/Case No. EA-2025-0087

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is written in a cursive, flowing style.

**Nancy Dippell
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.