BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Ameren Missouri's Notice of a)	
Change in its Preferred Resource Plan.)	File No. EO-2025-0235

MOTION FOR PROTECTIVE ORDER

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company" or "Ameren Missouri"), and pursuant to 20 CSR 4240-2.135(4) moves for an order from the Missouri Public Service Commission ("Commission") granting it a protective order as outlined herein. In support of its motion, Ameren Missouri states as follows:

- 1. Under 20 CSR 4240-2.135(6), absent a specific order issued under 20 CSR 4240-2.135(4), information defined as "Confidential" by 20 CSR 4240-2.135(2)(A) is available to the attorneys of record for a party in the Commission case at issue, persons designated by a party as an outside expert in that case, *and* to employees of a party if those employees are working as subject-matter experts for the attorneys or intend to file testimony, upon a filing by such an employee of the certification required by 20 CSR 4240-2.135(7).
- 2. For reasons similar to those recognized by the Commission in other cases where commercially sensitive information regarding generation costs was at issue, 1 such information should not be available to employees of any non-state agency entities not covered by statutory confidentiality requirements who may be parties 2 to this case. 3

¹ File No. EA-2016-0358 (Grain Belt Express); EO-2018-0092 (Empire Customer Savings Plan); EA-2018-0202 and EA-2019-0021 (Ameren Missouri's Certificates of Convenience and Necessity ("CCN") applications for the High Prairie and Brickyard Hills wind facilities); EA-2022-0245 (Ameren Missouri's CCN application for the Boomtown solar facility); EA-2023-0286 (Ameren Missouri's pending application for CCNs for four solar generation facilities); EO-2024-0020 (Ameren Missouri's most recent triennial IRP docket).

² Under the Commission's Chapter 22 Rules, the Commission is not being asked to take any action in response to the Company's Notice of Change in Preferred Resource Plan nor do the rules contemplate that the Notice creates a "docket" in the traditional sense of the term. It is thus unclear whether there are "parties" to such a docket in the traditional sense, but the Commission has previously granted "intervention" which has given various parties access to documents filed in such dockets.

³ Employees of the Commission, the Office of the Public Counsel, and the Division of Energy are all covered by statutes protecting the confidentiality of information submitted to the Commission by utilities.

- 3. Consequently, the Company seeks a protective order allowing it to designate such information, as contained in its Notice of Change in Preferred Resource Plan (and related workpapers) filed (submitted) today, as "Highly Confidential" under 20 CSR 4240-2.135(4).
- 4. Under 20 CSR 4240-2.135(4), a motion for greater protection, like this one, must explain the following:
 - A. What information must be protected,
 - B. The harm to the disclosing entity or the public that might result from disclosure of the information ("Potential Harm"), and
 - C. How the information may be disclosed while protecting the interests of the disclosing entity and the public.
- 5. <u>What information must be protected</u>: resource cost information for candidate resources in the Change in Preferred Resource Plan filing and in any related workpapers.⁴ The information for which Highly Confidential treatment is sought cannot be found in any other public document.
- 6. <u>Potential Harm</u>: Highly Confidential protection for these materials is needed for several reasons. First, the Company continues to engage in negotiations with suppliers and developers for additional generation resources needed as described in the Company's resource planning-related filings. The Company may, in the near-term or later, engage in such discussions for generation needed for other purposes. The Company and each supplier or developer as a routine course enter a Non-Disclosure Agreement to ensure that proprietary and competitively sensitive information is not disclosed. It would be harmful to the Company,

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⁴ For purposes of this Motion, "resource cost information" includes cost estimates and curves used for different types of supply-side resources, and related information used to develop such estimate and curves such as requests for proposals ("RFP") responses and information showing resource cost components like bids or pricing for equipment, materials, and labor.

and ultimately its customers, if resource cost information were known to other potential counterparties. It could also potentially be harmful to other Missouri electric utilities and their customers for the same reasons.

- 7. The Company also continues to engage in negotiations with other contractors related to potential generation projects. The Company and the suppliers may be subject to confidentiality obligations with respect to each other's information, particularly as to costs and pricing. It would be harmful to the Company and ultimately its customers if confidentiality concerns have a chilling effect on future negotiations with such parties.
- 8. The interests of the developers, equipment suppliers, and other suppliers whose pricing informed cost information in the IRP could also be harmed due to the highly sensitive and competitive nature of their costs and pricing. This is why the Supplier Terms contain confidentiality provisions and the Company's RFPs (as is typical of RFPs) contain the Company's agreement to maintain the confidentiality of the RFP responses.
- 9. 20 CSR 4240-2.135(4) is in keeping with Missouri Supreme Court Rule 56.01(c)(7), which provides that protective orders may be issued "... to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including ... that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way ..."
- 10. How the information may be disclosed while protecting the interests of the disclosing entity and the public: Granting this protective order will prevent access to competitively sensitive information that could work to the disadvantage of counterparties to other generation negotiations. The information will still be disclosed to attorneys of record for all parties to the case, to any state agency parties and their employees covered by statutory

confidentiality requirements, and to designated outside experts of any non-state agency party, allowing all parties to the docket the ability to fully participate in the docket.

- 11. Based on the reasons given herein, the Commission has previously issued a protective order on the terms requested in several other dockets, as cited above.
- 12. Attached to this motion is the disclosure form the Commission directed to be used in File No. EA-2023-0286, as well as several other dockets. The Company requests that the Commission direct use of that same form (marked as Exhibit A hereto) in this docket for those persons who will be authorized to access "confidential" information. That form, however, needs to be modified for those persons who, under the terms of the protective order requested hereby, can access "Highly Confidential" information. Consequently, the Company requests that the Commission direct use of a modified form (marked as Exhibit B hereto) in this docket for those persons who will be authorized to access "Highly Confidential" information.
- 13. Under 20 CSR 4240-2.135(10), "confidential" information is to be denoted as follows: **confidential information**. Because Ameren Missouri has submitted "confidential" information and will submit "Highly Confidential" information, Ameren Missouri will utilize three asterisks to denote "Highly Confidential" information, as follows: ***highly confidential information***.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue a protective order:

a. Allowing the designation of resource cost information⁵ as Highly Confidential;

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⁵ As earlier defined.

- b. Directing that Highly Confidential information not be shared with any employees of a non-state party; and
- c. Directing the use of the Non-Disclosure Agreement forms marked as Exhibits A and B hereto.

Respectfully submitted,

/s/ James B. Lowery

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/s/ Wendy K. Tatro

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E-Mail: AmerenMOService@ameren.com

ATTORNEYS FOR UNION ELECTRIC COMPANY d/b/a AMEREN MISSOURI

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing was served on the Staff of the Missouri Public Service Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 28th day of February, 2025.

/s/ James Lowery
James Lowery

NONDISCLOSURE AGREEMENT

For Case No.: EO-2025-0235

(To Access Confidential Information)

I	,	, have reviewed the Co	ommission's Rule at 2	20 CSR 4240-2.135 on the
c	lay of, 20 .			
I	have requested	review of the confident	ial information produ	ced in Case No. EA-2023-
0286 o	n behalf of			
I	hereby certify th	at:		
(a) Only emplo	oyees of a party that ar	re acting as an expert	for that party or that
h	nave been retain	ed for this case as an	outside expert for th	at party may receive
c	confidential infor	mation;		
(b) An employ	ee is a person in the ser	vice of his or her emp	ployer whose services
a	are controllable b	y the employer.		
(c) I am emplo	oyee of [state name of	intervenor] acting as	s its expert and/or its
e	employee who in	tends to file testimony	in this docket, or I am	an outside expert for
[state name of in	tervenor] retained to p	rovide expert consult	ation or testimony in
t	his docket; and			
(d) I have read	and agree to abide by	the Commission's R	ule at 20 CSR 4240-
2	2.135.			
Ι	Dated this	day of	. 20	

Signature & Title	
Employer	
_	
Party	
Address	
Telephone	
E-Mail Address	

NONDISCLOSURE AGREEMENT

For Case No.: EO-2025-0235

(To Access Highly Confidential Information)

Ι,	, ha	ve reviewed the Commission	on's Rule at 20 CSR 4	1240-2.135 on the
day of	, 21	0 .		
I ha	we requested review	w of the highly confidential	information produce	ed in Case No.
EA- 2023-0	0286 on behalf of_			
Ιh	ereby certify that:			
(a)	Only an outside e	expert retained by a party in	this case may receiv	e highly
	confidential infor	mation;		
(b)	I am an employee	e of		acting as an
	outside expert for	[state name of intervenor]		retained to provide
	expert consultation	or testimony in this docket; an	nd	
(c)	I have read and ag	gree to abide by the Commi	ssion's Rule at 20 CS	R 4240-2.135
	and all terms of the	he Protective Order issued l	by the Commission in	n this docket.
Da	ated this	day of	. 20	

Signature & Title		
Employer		
Party		
Address		
Telephone		
E-Mail Address		