

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Union)
Electric Company d/b/a Ameren Missouri)
for an Order Authorizing Applicant to Convey)
to and Lease Back From Audrain County,)
Missouri, Certain Real Property and) **File No. EF-2025-0246**
Improvements and to Execute and Perform the)
Necessary Agreements Under Section 100.010)
Through 100.200 RSMo, for the Purpose of)
Constructing Applicant's Electric Generating)
Facility in Audrain County, Missouri.)

MOTION FOR PROTECTIVE ORDER

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Ameren Missouri" or "Company"), and pursuant to 20 CSR 4240-2.135(4) requests issuance by the Missouri Public Service Commission ("Commission") of a protective order as outlined herein. In support of its request, 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 renewable generation was at issue,¹ there is certain information in the Company's application filing, and information that may, or likely will, be the

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 applications for the High Prairie and Brickyard Hills wind facilities); and EA-2023-0286 (Ameren Missouri's Certificates of Convenience and Necessity application for the Split Rail, Cass County, Vandalia, and Bowling Green solar generation facilities).

subject of discovery requests, that should not be available to employees of any non-state agency entities not covered by statutory confidentiality requirements who may become parties to this case. Consequently, the Company seeks a protective order allowing it to designate such information as "Highly Confidential" under 20 CSR 4240-2.135(4).

3. 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.

4. What information must be protected: Information that should be designated as Highly Confidential includes the *Plan For An Industrial Development Project and Cost/Benefit Analysis* marked as **Schedule B-HC**, property tax savings amounts included in the application and the *Solar Property Tax Analysis* marked as **Schedule C-HC**. The foregoing information has been designated as Highly Confidential in the Company's *Application and Motion for Waiver*. If additional information falling within these categories is to be produced in discovery or other evidence to be presented in this case, it will likewise be designated as Highly Confidential.

5. Potential harm: Highly Confidential protection for these materials is needed for several reasons. The Company may, in the near-term or later, negotiate Chapter 100 financing arrangements for projects with other Missouri counties. If Missouri counties have access to Ameren Missouri's centrally assessed tax evaluation, it would impede the Company's ability to negotiate future financing arrangements beneficial to customers. From the cost/benefit and tax

analysis information, counties could attempt to extract full centrally assessed tax values as part of the PILOT financing arrangements, ultimately negating the value of such financial arrangements to customers. Additionally, the Company continues to engage in negotiations with other solar developers for additional utility scale solar generation resources needed for Renewable Energy Standard compliance or to meet other renewable energy generation needs. The Company may, in the near-term or later, engage in such discussions for solar generation needed for other purposes. It would be harmful to the Company and ultimately its customers if the cost/benefit and tax analysis information subject of this application were known to developers. The information could impact the bids received from developers and the Company's negotiations with them. In other words, if a developer knows the project could receive Chapter 100 financing and the potential savings amounts such financing could bring to customers, developers could increase the pricing on their projects in an attempt to capture some of the financing savings.

6. 20 CSR 4240-2.135(4) is in keeping with Missouri Supreme Court Rule 56.01(c), 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 ..."

7. 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 if released could work to the disadvantage of Ameren Missouri and its customers in other Chapter 100 financing arrangement negotiations and developer 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. The information for which Highly Confidential treatment is sought cannot be found in any other public document. The Commission has previously issued a protective order on the terms requested in the Company's Boomtown solar facility CCN case, File No. EA-2022-0245, and solar generation CCN case, File No. EA-2023-0286.

8. The Company requests that the Commission direct use of the form attached hereto as Exhibit A for those persons who will be authorized to access "Highly Confidential" information.

9. Ameren Missouri has utilized three asterisks to denote "Highly Confidential" information, as follows: *****highly confidential information*****.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue the protective order requested herein and direct use of the Non-Disclosure Agreement form marked as Exhibit A hereto.

Respectfully submitted,

/s/ Jennifer L. Hernandez

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to Staff of the Missouri Public Service Commission at staffcounsel@psc.mo.gov and the Office of the Public Counsel at opcservice@opc.mo.gov this 10th day of March 2025.

/s/ Jennifer L. Hernandez

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

**NONDISCLOSURE AGREEMENT
For Case No.: EF-2025-0246
(To Access Highly Confidential Information)**

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the _____ day of _____, 2025. I have requested review of the highly confidential information produced in Case No. EF-2025-0246 on behalf of _____.

I hereby certify that:

- (a) Only an outside expert retained by a party in this case may receive highly confidential information;
- (b) I am an employee of _____ acting as an outside expert for [state name of intervenor] _____ retained to provide expert consultation or testimony in this docket; and
- (c) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

Dated this _____ day of _____, 2025.

Signature & Title

Employer

Party

Address

Telephone and Email Address