

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Ameren Missouri's 2024)
Integrated Resource Plan Annual Update) File No. EO-2025-0123
Report)

ORDER DENYING MOTION TO COMPEL

Issue Date: March 14, 2025

Effective Date: March 24, 2025

On December 4, 2024, Sierra Club filed a Motion to Compel. Sierra Club issued eleven data requests (DRs) on October 11, 2024, to which Ameren Missouri objects. Sierra Club's DRs ask for information on such topics as emissions statistics, cost forecasts for supply source builds, and so on.

Discovery at the Commission may be obtained by the same means and under the same conditions as in civil actions in the circuit court.¹ In support of its motion, Sierra Club asserts that the Commission has a case on point (the Empire case) in which the Commission overruled a company's objections to DRs in an Integrated Resource Plan case.² Sierra Club further touts the benefits of discovery, which include the ascertainment of truth, promotion of early settlement, elimination of surprise, and preparation for trial.³

Contrary to Sierra Club's argument, the Empire case is not on point. The Empire case was a triennial compliance case, whereas the case at bar is an annual update case. In triennial compliance filings, an evidentiary hearing is allowed if the Commission finds that a hearing is warranted to resolve any outstanding issues.⁴ In contrast, in IRP annual update matters, there is no possibility for a hearing, no need to prepare for a hearing, and

¹ Commission Rule 20 CSR 4240-2.090(1).

² In the Matter of The Empire District Electric Company's 2013 Triennial Compliance Filing Pursuant to 4 CSR 240-22, *Order Regarding Dogwood Energy, LLC's Motion to Compel Response to Data Requests*, Commission File No. EO-2013-0547 (issued January 22, 2014).

³ *State ex. rel. State v. Riley*, 992 S.W.2d 195, 197 (Mo.banc. 1999).

⁴ Commission Rule 20 CSR 4240-22.080(16)(D).

no circumstances by which discovery responses could be admitted into evidence.⁵ Thus, the benefits of discovery, such as settlement and trial preparation, are not present for an annual update case.⁶ Furthermore, even if the Empire case were directly on point, which it is not, the Commission is not bound by *stare decisis*.⁷

THE COMMISSION ORDERS THAT:

1. Sierra Club's Motion to Compel is denied.
2. This order shall be effective on March 24, 2025.



BY THE COMMISSION

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell
Secretary

Ronald D. Pridgin, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 14th day of March, 2025.

⁵ Commission Rule 20 CSR 4240-22.080(3).

⁶ See also *Hilmer v. Hezel*, 492 S.W.2d 395,396 (Mo. App. 1973)(in which the Court stated the purpose of discovery is to minimize concealment and surprise in litigation).

⁷ *State ex. rel. AG Processing, Inc. v. PSC*, 120 S.W.3d 732, 736 (Mo. banc 2003).

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 14th day of March 2025.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 14, 2025

File/Case No. EO-2025-0123

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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.