

**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 Permission)	
and Approval and Certificates of Public Convenience)	
and Necessity Authorizing it to Construct a New)	File No. EA-2025-0238
Generation Facility and Battery Energy Storage)	
System Facility.)	

AMEREN MISSOURI’S RESPONSE TO OPC MOTON FOR RECONSIDERATION

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”), and for its response to the Office of the Public Counsel’s (“OPC”) Motion for Reconsideration of Procedural Schedule and Motion for Expedited Treatment (“OPC Motion”), states as follows:

1. Ameren Missouri files this response to ensure that there exists clarity on practical timing considerations relating to its ability to give 10 days’ prior notice to all its customers of one or more local public hearings that have or may be ordered in this case.

2. Immediately after the Commission issued its *Order Setting Procedural Schedule, A Local Public Hearing, and Assignment of Exhibit Numbers* (“Procedural Order”), Ameren Missouri proceeded to prepare and begin necessary programming in its billing system so that it could provide notice of the local public hearing to the last of its customers by October 20, 2025. If the Commission makes no changes to the Procedural Order respecting local public hearings, that is, maintains the scheduling of one, virtual local public hearing at Noon on October 30, 2025, then Ameren Missouri can timely provide the required notice.¹

3. If the Commission desires to keep October 30, 2025, as the date for a local public hearing but add another local public hearing, it cannot wait until September 19, 2025, to do so as that would allow a day or less to change the bill message that has to-date been drafted, and to complete necessary programming and bill generation. In that case, not all customers could be notified of the October 30, 2025, local public hearing 10 days in advance. Instead, in that case the Company would need for the date of the

¹ Because the Commission issued the order setting the hearing date 56 days prior to the hearing.

first local public hearing (again, assuming there were two of them) to occur about 55 days after the Commission issues the order setting them.

WHEREFORE, the Company respectfully requests that if any changes to the Procedural Order are to be made, that the Commission issue such an order approximately 55 days prior to the date of the first (or only if there is only one) local public hearing.

Respectfully submitted,

/s/ **James B. Lowery**

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**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 counsel for all parties of record via electronic mail (e-mail) on this 8th day of September, 2025.

/s/James B. Lowery
James B. Lowery

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(3) 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 related to the construction of generation facilities was at

issue,² there is certain information in the Company's direct case filing, and information that may, or likely will, be the 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.³ 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: (A) bid specifications for components of the Big Hollow Project (attached as Schedule CS-D2 to the Direct Testimony of Company witness Christopher Stumpf); (B) specifications for components of the Big Hollow BESS Project (attached as Schedule SW-D2 to the Direct Testimony of Company witness Scott Wibbenmeyer); (C) responses to these various bid specifications and Requests for Proposals ("RFPs") and Company analyses of these specifications, including consideration by the Board of Directors; (D) any agreements entered into

² File Nos. 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); and EA-2023-0286 (Ameren Missouri's CCN application for four solar generation facilities); and EA-2023-0286 (Ameren Missouri's CCN application for four solar generation facilities); EA-2024-0237 (Ameren Missouri's CCN application for the Castle Bluff simple cycle natural gas generation facility).

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.

by the Company with an EPC contractor and with entities that will design, construct, or maintain components of the Projects; (E) any testimony regarding the specific terms and conditions and various cost and pricing information related to the EPC contracts and to various cost and pricing information; and (F) the terms and conditions of agreements (and documents reflecting such terms and conditions) with entities that will construct components of each Project covered by the Agreements (the "Supplier Terms"). To the extent such information is contained in the Company's direct case filing, it has been designated as Highly Confidential in accordance with 20 CSR 4240-2.135(4)(B). If additional information falling within these categories is to be produced in discovery or in later-filed testimony, or other evidence to be presented in this case, it will likewise be designated as Highly Confidential. The information for which Highly Confidential treatment is sought cannot be found in any other public document.

5. Potential harm: Highly Confidential protection for these materials is needed for several reasons. First, the Company continues to engage in negotiations with the various contractors for construction of each of the Projects. The Company and each contractor and supplier, 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, and its customers, if the pricing, terms, and conditions negotiated for the Projects that are the subject of this Application were known to other potential counterparties. It could also potentially be harmful to other Missouri electric utilities and their customers for the same reasons.

6. The interests of the component suppliers for the Projects 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 of this type) contain the Company's agreement to maintain the confidentiality of the RFP responses.

7. 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 . . ."

8. 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 solar 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.

9. Based on the reasons similar to those given herein, the Commission has previously issued a protective order on the terms requested in prior Company generation CCN requests, including the Company's Boomtown solar facility CCN case, File No. EA-2022-0245, and in the Company's Castle Bluff CTG facility CCN case, File No. EA-2024-0237.

10. Attached to this motion is the disclosure form the Commission directed to be used in File Nos. EA-2022-0245 and EA-2024-0237, modified to reference the file number for this filing. 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.

11. Under 20 CSR 4240-2.135(10), "confidential" information is to be denoted as follows: ****confidential information****. Because Ameren Missouri is filing both "confidential" and "Highly Confidential" information, 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 forms marked as Exhibits A and B hereto.

Respectfully submitted,

/s/ James B. Lowery

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**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 day of June 2025.

/s/ James Lowery

James Lowery

NONDISCLOSURE AGREEMENT

For Case No.: EA-2025-0238

(To Access Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the ____ day of _____, 20__.

I have requested review of the confidential information produced in Case No. EA-2025-0238 on behalf of _____.

I hereby certify that:

- (a) Only employees of a party that are acting as an expert for that party or that have been retained for this case as an outside expert for that party may receive confidential information;
- (b) An employee is a person in the service of his or her employer whose services are controllable by the employer.
- (c) I am employee of [state name of intervenor] acting as its expert and/or its employee who intends to file testimony in this docket, or I am an outside expert for [state name of intervenor] retained to provide expert consultation or testimony in this docket; and
- (d) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135.

Dated this ____ day of _____, 20__.

Signature and Title

Employer

Party

Address

Telephone

E-Mail Address

NONDISCLOSURE AGREEMENT
For Case No.: EA-2025-0238
(To Access Highly Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the ____ day of _____, 20__.

I have requested review of the highly confidential information produced in Case No.
EA- _____ 2023-0286 _____ 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 _____, 20__.

Signature and Title

Employer

Party

Address

Telephone

E-Mail Address