

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

In the Matter of Union Electric Company)	
d/b/a Ameren Missouri, for Permission and)	
Approval and Certificate of Public)	<u>File No. EA-2025-0239</u>
Convenience and Necessity for a Renewable)	
Generation Facility.)	

MOTION TO AMEND PROTECTIVE ORDER

COMES NOW Union Electric Company d/b/a Ameren Missouri ("Company" or "Ameren Missouri"), and for its motion filed pursuant to 20 CSR 4-240-2.135(3) and (4) to amend the Protective Order issued in this docket on September 9, 2025, states as follows:

1. On September 9, 2025, the Commission issued a Protective Order which allowed certain information to be classified as “Highly Confidential.” The information in question included supplier related information, including information respecting bids, commercial agreements, pricing, etc. relating to the facilities for which it seeks a certificate of convenience and necessity (“CCN”) in this case. That Protective Order is typical of many similar protective orders issued by the Commission in CCN cases over the last several years so that additional protection is afforded such information, since more widespread dissemination of the information could lead to higher costs for utility customers.

2. As discussed in the Company’s Direct Testimony in this case, one of the drivers of the need for the facilities at issue in this docket is the expectation that the Company’s retail load will be materially higher in the future, which in turn will accelerate the Company’s need for supply-side resources to serve all Company load and to cover associated reserve margin requirements associated with higher loads.

3. The Staff has asked a data request (“DR”) in this case seeking executed construction agreements with prospective customers who will be subject to the Large Load Tariff provisions recently approved by the Commission in File No. EA-2025-0184. To respond to the DR, the Company will

reveal information such customers consider to be highly sensitive, competitive information.

4. In recognition of the concerns of such prospective customers, the Commission, in File No. ET-2025-0184, approved an amendment to a protective order that was nearly identical to the Protective Order currently in effect in this docket. That amendment afforded even greater protection to such customers' highly sensitive, competitive information. See *Protective Order*, File No. ET-2025-0184 (Aug. 12, 2025), a copy of which is attached hereto as Exhibit 1. That Protective Order was issued based upon the Amended Joint Motion for Protective Order filed in that docket - by Amazon Data Services, Inc. and Google LLC, a copy of which is attached hereto as Exhibit 2. That motion articulates why it was appropriate in that docket – and for those same reasons is appropriate in this docket – to create a “Highly Confidential Highly Sensitive,” classification. Specifically, the Commission issued the August 12, 2025, Protective Order in that docket which:

Allow[ed] parties to additionally designate as “Highly Confidential Highly Sensitive or HCHS” the following (1) confidential information relating to the data center operations, including customer specific data, customer pricing, supply costs, business relationships, market data, other proprietary data and protected trade secrets; and (2) information relating to confidential contracts entered into relating to data centers.

5. For the reasons recognized by the Commission in File No. ET-2025-0184, the Company requests that the Commission amend the existing Protective Order in this case or otherwise issue a second protective order on the same terms as the one issued in File No. ET-2025-0184, while maintaining the existing Protective Order according to its terms.¹

WHEREFORE, Ameren Missouri respectfully requests that the Commission amend the existing Protective Order to create a “Highly Confidential Highly Sensitive” category applicable to the same information designated as such in File No. ET-2025-0184 or, alternatively, issue a

¹ The Commission should also adopt the “Highly Confidential Highly Sensitive” information nondisclosure agreement it included in the subject protective order in File No. EA-2025-0184.

second protective order creating such a category while maintaining the existing Protective Order according to its terms.

Respectfully submitted,

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

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copy of the foregoing was served on counsel for all parties of record via electronic mail on this 5th day of December, 2025.

/s/ James B. Lowery

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 Approval of)	<u>Case No. ET-2025-0184</u>
New Modified Tariffs for Service to Large Load)	
Customers)	

PROTECTIVE ORDER

Issue Date: August 12, 2025

Effective Date: August 12, 2025

Union Electric Company d/b/a Ameren Missouri filed an application and supporting testimony requesting approval of a Large Load Customer Rate Plan. On July 31, 2025,¹ Amazon Data Services, Inc. (ADS) and Google LLC (Google) filed a *Joint Motion for Protective Order*, requesting a protective order under Commission Rule 20 CSR 4240-2.135 covering materials and information deemed “highly confidential-highly sensitive” by ADS and Google. On August 7, ADS and Google filed an *Amended Joint Motion for Protective Order* (Motion).

ADS and Google seek protection for information regarding customer pricing, supply costs, business relationships, market data, and other proprietary data as closely guarded trade secrets, as well as terms and details relating to business contracts and information relating to data center infrastructure. The Motion explains that disclosure of these highly confidential and highly sensitive categories of information would have *de minimis* bearing on this case, but would have serious consequences to ADS and Google if disclosed. The information sought to be protected is generally subject to nondisclosure agreements, has confidentiality provisions or is otherwise sensitive information impacting

¹ All dates refer to 2025 unless otherwise noted.

data centers' competitive advantage with respect to competitors and parties with whom it negotiates.

The Commission allowed responses by August 8, and none were received. The Commission will grant the Motion.

THE COMMISSION ORDERS THAT:

1. ADS's and Google's request for a protective order is granted. The specific protections to be afforded are as follows.

- a. Information designated as "Confidential" would be subject to the standard protocols included in Commission Rule 20 CSR 4240-2.135. Information designated as "Highly Confidential" would be subject to the June 25, 2025, Protective Order.
- b. Allowing parties to additionally designate as "Highly Confidential Highly Sensitive or HCHS" the following (1) confidential information relating to the data center operations, including customer specific data, customer pricing, supply costs, business relationships, market data, other proprietary data and protected trade secrets; and (2) information relating to confidential contracts entered into relating to data centers.
- c. With regard to entities and individuals other than the Commission, the Staff of the Commission, and the Office of the Public Counsel:
 - i. Disclosure of materials or information so designated shall be made only to outside attorneys, outside consultants, and/or attorneys of record for investor owned utilities, who have executed a Commission Nondisclosure Agreement. No "HCHS" information shall be provided directly or indirectly to any other individual or employee.
 - ii. Persons afforded access to materials or information designated "HCHS" shall neither use nor disclose such materials or information for purposes of business or competition or any other purpose other than in regard to the case referenced above and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of the protective order.
 - iii. All material and information designated as "HCHS" in the possession of any entity or person, as well as any notes pertaining

to such information, shall be returned to the party disclosing the same or destroyed upon the conclusion of the referenced case.

- d. If any party disagrees with the HCHS designation of any information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240- 2.090(8). If these dispute resolution procedures are exhausted without resolution, the party may file a motion challenging the designation.
 - e. All persons authorized to access “Highly Confidential Highly Sensitive information in this case shall complete the nondisclosure agreement attached to this order.
2. This order shall be effective when issued.



BY THE COMMISSION

Nancy Dippell

Nancy Dippell
Secretary

Riley G. Fewell, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 12th day of August, 2025.

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

In the Matter of the Application of Evergy)
Metro, Inc. d/b/a Evergy Missouri Metro and) File No. EO-2025-0154
Evergy Missouri West, Inc. d/b/a Evergy Missouri)
West for Approval of New and Modified Tariffs for)
Service to Large Load Customers)

**NONDISCLOSURE AGREEMENT FOR
HIGHLY CONFIDENTIAL HIGHLY SENSITIVE INFORMATION**

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

I have requested review of Highly Confidential Highly Sensitive (HCHS) information produced in Case No. EO-2025-0154 on behalf of _____.

I hereby certify that:

(a) Only certain persons may receive Highly Confidential Highly Sensitive information. These persons include outside attorneys of record for a party in the case, outside experts retained by a party in this case, attorneys of record for investor owned utilities, and state agencies and their employees.

(b) I am an employee of _____ acting as an (outside) _____ expert on behalf of _____, and have been directed to provide expert consultation or testimony in this docket.

(c) I have read and agree to abide by the Commission's Rule at 20 CRS 4240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

(Continues on the following page)

Dated: _____

Signature

Employer and Title

Party

Address

Telephone

E-Mail Address

**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) File No. ET-2025-0184
for Approval of New Modified Tariffs for)
Service to Large Load Customers)

AMENDED JOINT MOTION FOR PROTECTIVE ORDER

Pursuant to 20 CSR 4240-2.135(3) and (4), Amazon Data Services, Inc. (“ADS”) and Google LLC (“Google”) hereby file this Joint Motion for Protective Order:

I. Background

1. On May 14, 2025, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed its “Application for Approval of Ameren Missouri’s Large Load Customer (“LLC”) Rate Plan and Associated Tariffs” in this docket requesting adoption of rates and tariffs applicable to large load customers (defined as customers with loads larger than 100 MW) throughout the service territory of Ameren Missouri (“LLC Rate Plan”).

2. ADS filed its Application to Intervene on June 12, 2025, which was granted on June 13, 2025.

3. Google filed its Application to Intervene on May 22, 2025, which was granted on June 13, 2025.

4. Other parties that have been granted intervention include Missouri Industrial Energy Consumers (“MIEC”), Renew Missouri Advocates (“Renew Missouri”), and Sierra Club.

5. On June 25, 2025, this Commission issued a protective order allowing Ameren to designate market-based supply-side resources costs as

“highly confidential.”

6. Intervenors may issue data requests from the parties in this case that may require those parties to produce and disclose confidential and proprietary information relating to data center infrastructure, competitively sensitive contracts and negotiations, communications subject to nondisclosure agreements, resource usage in other states, and other proprietary information relating to selection of data center locations and operation of data centers.¹ See, e.g., Data Request 22.0 submitted by Staff to Ameren, attached hereto as Exhibit A.

7. Some of the information requested may contain highly sensitive, competitive market data, financial information, and other proprietary transactional data that is outside the scope of this proceeding or of *de minimis* bearing to the proceeding.

II. Statement of Law

8. Missouri Supreme Court Rule 56.01(c) 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.”

9. Commission Rule 20 CSR 4240-2.135(2) provides that parties may designate certain materials, including trade secrets and competitively sensitive information, as “Confidential.” Pursuant to Commission Rule 20 CSR 4240-2.135(6), “Confidential” information shall be disclosed to attorneys of record for a party, to employees of a party who are working as subject-matter

¹ Information of this type has been requested in the other pending large load tariff dockets (*see* EO-2025-0154).

experts for the party's counsel, to employees of a party who intend to file testimony in the case, and to designated outside experts of a party.

10. The Commission has previously noted that, “[c]ommission rules provide for the issuance of protective orders when necessary to protect information from discovery more rigorously than would be provided from a confidential designation.”² The Commission has further explained that, “The Commission may order such greater protection by a party explaining what information must be protected, the harm to the disclosing party that might result from disclosure of the information, and how the information may be disclosed while protecting the interests of the disclosing party.”³

III. Argument

11. The data center market is an extremely competitive forum where information regarding customer pricing, supply costs, business relationships, market data, and other proprietary data are closely guarded trade secrets. This information, as well as terms and details relating to business contracts and other information relating to data center infrastructure are sensitive information that impact data centers' competitive advantage with respect to its competitors and with parties with whom it negotiates. Communications and negotiations with respect to site selection and contract negotiations are generally subject to nondisclosure agreements. Many data center contracts also contain confidentiality provisions. While elements of these contracts may be shared using the Confidential designation provided by 20 CSR 4240-2.135(2), others may reveal details that have a *de minimis* bearing on the

² “Order Granting Motion to Compel, in Part, and Granting Motion for Protective Order, in Part,” File No. EA-2016-0358 (issued December 13, 2018) at 4 *citing* Commission Rule 4 CSR 240-2.135(3) (now 20 CSR 4240-2.135(3)).

³ *Id.*

matter for the Commission and the scope of the Commission's investigation in this docket and would have serious consequence to ADS and Google if disclosed.

12. The "Confidential" designation under 20 CSR 4240-2.135 will not provide adequate protection for these categories of information ("Highly Confidential-Highly Sensitive" or "HCHS") because it would require ADS and Google to produce otherwise discoverable HCHS information to in-house representatives of non-state-agency parties who may have competitive relationships now or in the future. The mere disclosure of HCHS information to these parties and their employees and representatives would irreparably harm ADS and Google because it would give these parties knowledge of HCHS information that would affect their relative bargaining positions.

13. Additionally, the June 25, 2025 Protective Order does not provide adequate information for HCHS information because the definition of "Highly Confidential Information" under the Protective Order is limited to Ameren's supply-side resource costs, pricing, and bid information.

14. While the Commission could stand to benefit from outside expert witness review of HCHS information, the same cannot be said for representatives who merely intend to file testimony but who cannot otherwise offer an expert opinion on the HCHS information. So, for this class of representative (i.e., the non-expert party representative), the Commission and the public could not benefit from their review of this HCHS information, but ADS and Google would be negatively impacted.

15. A fair tradeoff for all parties is to limit disclosure of HCHS information for entities and individuals other than the Commission, the Commission staff, and the Office of the Public Counsel, to outside attorneys of record, attorneys of record for investor owned utilities, and outside consultants

who have executed a Commission Nondisclosure Agreement for Highly Confidential Highly Sensitive Information. Such HCHS information should not be provided directly or indirectly to any other individual or employee.

16. The requested relief listed below is similar to the relief granted in this case to Ameren as well as in protective orders issued by this Commission in the past, including the ones granted recently in EO-2025-0154, EA-2023-0017, and EO-2023-0022.

17. By requesting heightened protection of HCHS information, ADS and Google do not waive their right to object to the production of HSHS information when there is a legal basis for such objection.

18. ADS and Google therefore request the Commission issue a Protective Order as follows:

a. Information designated as “Confidential” would be subject to the standard protocols included in Commission Rule 20 CSR 4240-2.135. Information designated as “Highly Confidential” would be subject to the June 25, 2025 Protective Order.

b. Allowing parties to additionally designate as “Highly Confidential Highly Sensitive or HCHS” the following (1) confidential information relating to the data center operations, including customer specific data, customer pricing, supply costs, business relationships, market data, other proprietary data and protected trade secrets; and (2) information relating to confidential contracts entered into relating to data centers.

c. With regard to entities and individuals other than the Commission, the Staff of the Commission, and the Office of the Public

Counsel:

- i. Disclosure of materials or information so designated shall be made only to outside attorneys, outside consultants, and/or attorneys of record for investor owned utilities, who have executed a Commission Nondisclosure Agreement. No “HCHS” information shall be provided directly or indirectly to any other individual or employee.
 - ii. Persons afforded access to materials or information designated “HCHS” shall neither use nor disclose such materials or information for purposes of business or competition or any other purpose other than in regard to the case referenced above and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of the protective order.
 - iii. All material and information designated as “HCHS” in the possession of any entity or person, as well as any notes pertaining to such information, shall be returned to the party disclosing the same or destroyed upon the conclusion of the referenced case.
- d. If any party disagrees with the HCHS designation of any information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240-2.090(8). If these dispute resolution procedures are exhausted without resolution, the party may file a motion challenging the designation.
- e. All persons authorized to access “Highly Confidential Highly

Sensitive information in this case shall complete the nondisclosure agreement attached to the hereto as Exhibit B.

IV. Conclusion

WHEREFORE, ADS and Google respectfully request the Commission grant this Motion for a Protective Order and take such other actions as the Commission deems necessary to protect this information.

Respectfully submitted,

ELLINGER BELL LLC

By: /s/ Stephanie S. Bell

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Attorneys for Google LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission on August 7, 2025.

/s/ Stephanie S. Bell