

**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 Certificate of Public Convenience and)	File No. EA-2024-0237
Necessity Authorizing it to Construct a Simple Cycle)	
Natural Gas Generation Facility.)	

**AMEREN MISSOURI’S MOTION TO COMPEL AND
MOTION FOR EXPEDITED TREATMENT**

COMES NOW Union Electric Company, d/b/a Ameren Missouri ("Company" or "Ameren Missouri"), and for its Motion to Compel responses to its First Set of Data Requests to Intervenor Grain Belt Express and its Motion for Expedited Treatment, states as follows:

INTRODUCTION

1. On July 21, 2025, Grain Belt Express LLC (“GBX”) filed its application to intervene, which was sustained by the Commission by order dated August 5, 2025. Its intervention application touts “reliability and resilience benefits” associated with generation located outside of MISO and benefits of its proposed high voltage direct current (“HVDC”) transmission line, for which the Commission granted an amended CCN in File No. EA-2024-0017. GBX specifically alleges that its proposed HVDC can “deliver directly into Ameren’s service territory uncorrelated generating resources” [i.e., Kansas wind or solar] that it claims Ameren Missouri has “failed to study.” *Application to Intervene* at ¶ 10.

2. Critically, for those deliveries to occur, the HVDC line and the non-MISO generation would have to be built and placed into commercial operation, and the line would have to be capable of and have the ability to inject the necessary volume of energy into MISO. Moreover, GBX would need other interconnection rights that it, to-date, likely has not asked for. Whether those rights will exist, or when, is also an issue raised by GBX’s position in this case.

Further, Ameren Missouri's discovery is aimed at determining whether GBX can operate the line in other ways that are necessary to produce some of the benefits it claims. At present, none of those prerequisites exist. Consequently, whether and to what extent those prerequisites will exist if at all, and when, is highly relevant to the claims GBX makes in this docket.

3. Those claims are reflected in the December 12, 2025, surrebuttal testimony of Invernergy, LLC employee Eric Vandenberg.¹ In summary, Mr. Vandenberg repeats contentions GBX has been making for some time, including in comments and other filings in Ameren Missouri's most recent triennial IRP docket. The gist of Mr. Vandenberg's claims are that Ameren Missouri's IRP is flawed for having failed to model the GBX line and Kansas wind and solar resources that might connect to it. See, e.g., *Vandenberg Surrebuttal* at pp. 8-10. Mr. Vandenberg thus contends that a CCN for the Big Hollow projects should be denied until these claimed flaws are remedied, claiming that the GBX line "and the generation it will deliver to Ameren's system can serve many of the needs identified in the CCN Application, and in some respects, serve those needs better than the Proposed Projects." *Vandenberg Surrebuttal* at p. 15.

4. Pointedly, GBX's position in this proceeding is not that the Commission impose conditions on the granting of the CCNs sought in this case—it is far more extreme: GBX asks this Commission to *delay* (for all practical purposes, deny) the requested CCNs so that Ameren Missouri can consider that the GBX line can substitute for the proposed projects.

5. As outlined in the Company's direct testimony and application in this case, Ameren Missouri – starting next year – needs a substantial quantity of additional accredited generation capacity to meet its load requirements and MISO-required planning reserve margin,

¹ Invernergy LLC is the parent company of Invernergy Transmission LLC, which owns GBX, and Invernergy Renewables LLC, which presumably would develop non-MISO wind or solar resources that could connect to the GBX line.

even if just a fraction (500 MW) of new large loads that Ameren Missouri actually expects to add to its system in the 2026 – 2028 timeframe materializes, and it needs that capacity as quickly as possible. Moreover, if it does not install new generation at the former Rush Island coal plant by September 1, 2028, it will lose the ability to avoid the crowded and difficult MISO large generator interconnection queue process for additions at the Rush Island site, which could prevent or at a minimum make taking advantage of that site far more costly for the Company and its customers. These considerations make both the viability of the GBX project and any related generation projects and—if those projects are indeed viable—the timing and operational capabilities of such projects critical to the question that GBX itself seeks to inject into this case: that is, whether GBX and Invenenergy renewables could substitute for the accredited capacity needs Ameren Missouri has right now.

6. Ameren Missouri’s First Set of Data Requests to GBX are directed to that very issue.

THE APPLICABLE DISCOVERY STANDARDS

7. Under Commission’s procedural rules, discovery “may be obtained by the same means and under the same conditions as in civil actions in the circuit court.” 20 C.S.R. 4240-2.090(1). Missouri Supreme Court Rule 56.01(b)(1), provides that parties may obtain discovery regarding any matter, not privileged, that is relevant to a pending action *or* that is reasonably calculated to lead to the discovery of admissible evidence.

8. With regard to the relevance of requested discovery:

Missouri's courts have indicated that there are two aspects to relevance: logical relevance and legal relevance. Logical relevance simply means that the questioned evidence tends to make the existence of a material fact more or less probable. In determining legal relevance, the court, or administrative agency, must weigh “the probative value of the evidence against the dangers to the opposing party of unfair prejudice, confusion of the issues, undue delay, waste of

time, cumulativeness, or violations of confidentiality. Evidence is legally relevant if its probative value outweighs its prejudicial effect.”

In the Matter of the Application of Grain Belt Express LLC, Case No. EA-2023-0017, 2023 WL 2632279 at *1 (Mo. P.S.C. March 16, 2023) (citations omitted).

9. Moreover, when a party injects an issue into a Commission proceeding, it opens the door to discovery on that issue. *Id.* at *5-*6 (holding that assertions by Grain Belt that its project “will be economically feasible and in the public interest” opened the door to discovery of information regarding pricing discussions surrounding memoranda of understanding with other parties, as well as “sensitive” details regarding “all entities Grain Belt has contacted and negotiated with regarding the purchase of capacity” for its project).

10. As discussed in greater detail below, GBX’s contention that the DRs in question do not meet the foregoing standards fail to withstand even minimal scrutiny when placed in context by the central contention GBX makes in this case—that its project and that of its affiliate can meet the needs the projects at issue in this case are designed to meet.

THE DATA REQUESTS AT ISSUE

11. Ameren Missouri served 49 DRs on GBX arising from the claims made in Mr. Vandenberg’s surrebuttal testimony. GBX lodged total objections to all but four of them. With four exceptions, all of GBX’s objections (that is, 41 of the 49 objections) essentially reflect claims that the DRs do not meet the above-discussed standard for discoverability (the exceptions being DR Nos. 5, 8, 9, and 10).² The following is typical of the objection GBX lodged:

Grain Belt Express objects to this request because it is outside of the scope of this proceeding and not reasonably calculated to lead to the discovery of admissible evidence. At minimum, the burden of responding outweighs the negligible probative

² In several instances, GBX adds a claim that the material sought are not within its custody or control (DR Nos. 5, 14, 15, 12, and 13). GBX raises confidentiality or sensitivity issues as to five of the DRS (DR Nos. 12, 13, 16, 18, and 49).

value of the request considering the purpose of this proceeding. This docket centers on Ameren's request for a CCN to construct and operate generation. Grain Belt Express and related generation is relevant only so far as Ameren failed to study it as a "potential supply-side resource option which the utility can reasonably expect to use, develop, implement or acquire" in its IRP. Details sought by this request are not required to establish this fact as it relates to this proceeding.

In other words, GBX argues that the only issue relevant to this proceeding is whether Ameren Missouri failed to consider the resources GBX says *it* can provide without letting Ameren Missouri examine whether GBX can, *in fact*, provide them.

12. What GBX is obviously doing is defining relevance in a manner that *suits* GBX and that if bought into by the Commission, would let GBX have its cake and eat it too. GBX has intervened in this docket to oppose Ameren Missouri's requests the projects based on claims that rest on the superiority of the product or service it wishes to sell as a substitute for the generation proposed in the docket. Consequently, it has inserted into this docket the very issue of whether GBX's product or service *is* viable (or would be viable), cost-effective, and otherwise suitable when the need that is driving the docket in the first place *actually* exists. Having done so, GBX cannot now define the scope to shield it from discovery on the very issue it has injected into this proceeding.

13. Attached as **Exhibit A** is a reproduction of GBX's objections, to which Ameren Missouri has added a specific response (shown in **blue** text) in view of the applicable law and factual context discussed above. **Exhibit A** first addresses the 38 outstanding DRs of those referenced earlier.³

³ Stating that it was not waiving its objections, GBX provided some form of response to all but one of the remaining data requests. Ameren Missouri is choosing not to pursue enforcement of Data Request No. 3, as GBX has represented to this Commission that it is not obligated to file Annual Reports with FERC (FERC Form 1) until the line is operational.

14. Under the applicable law, and as explained in specific responses respecting each of the 45 DRs to which GBX objected, the DRs squarely meet the standard for discoverability, and this Commission should compel GBX to answer them.

15. On Wednesday, January 7, 2026, prior to filing this Motion, the undersigned counsel for the Company discussed GBX objections with counsel for GBX as required by 20 CSR 4240-2.090(8)(A).

MOTION FOR EXPEDITED TREATMENT

16. Ameren Missouri requests that the Commission act on this motion as soon as possible, but no later than Monday, January 12, 2026. Surrebuttal testimony is due in nine days—on January 16, 2026, and the information sought in these data requests is necessary for Ameren Missouri to prepare a response to its claims in that surrebuttal testimony.

17. Ameren Missouri is not aware of any negative effect on its customers or to the general public if the Commission acts on this motion by Monday, January 12, 2026.

18. As the parties were able to confer on the discovery dispute on today's date, the motion was filed as soon as could have been.

WHEREFORE, Ameren Missouri respectfully requests that the Commission make and enter its order compelling full and complete responses to the above-referenced DRs no later than Wednesday, January 14, 2026, that the Commission act on this motion no later than Monday, January 12, 2026, and for such other and further relief as the Commission deems appropriate under the circumstances.

Respectfully submitted,

/s/ James B. Lowery

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**ATTORNEYS FOR UNION ELECTRIC
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CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing Motion and associated exhibit were served on counsel for all parties of record via electronic mail (e-mail) on this 7th day of January, 2026.

/s/ James Lowery
James Lowery