

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

City of Fulton, Hannibal Board of Public Works, Kirkwood Electric, City of Marceline, and City of New Madrid, Complainants,	)
	)
v.	)
	) Case No. EC-2026-0156
	)
Union Electric Company d/b/a Ameren Missouri, Respondent.	)

**AMEREN MISSOURI'S RESPONSE IN OPPOSITION TO  
COMPLAINANTS' MOTION TO STAY DISCOVERY AND AMEREN  
MISSOURI'S MOTION TO COMPEL DISCOVERY**

COMES NOW Respondent Union Electric Company, d/b/a Ameren Missouri ("Ameren Missouri"), and for its Response in Opposition to Complainants' Motion to Stay Discovery and its Motion to Compel Discovery, states as follows:

**INTRODUCTION**

Complainants seek summary determination based on a theory that Ameren Missouri caused capacity shortages and elevated prices in the MISO capacity market, thereby resulting in financial loss to each Complainant. At the same time, they ask the Commission to prohibit discovery directed at that very issue.

Neither the Commission's rules nor the public interest permits that result.

Causation is a material element of Complainants' Motion.<sup>1</sup> Ameren Missouri has expressly disputed causation in its Answer. And Ameren Missouri has already

---

<sup>1</sup> Complainants' Motion for Determination on the Pleadings or, in the Alternative, Summary Determination, Statements of Undisputed Material Facts and Memorandum in Support, EFIS Item No. 14.

served targeted discovery requests that go directly to that issue. Because discovery is necessary to permit a meaningful response to Complainants' Motion, the Motion to Stay ("Stay Motion") should be denied.

### ARGUMENT

**A. The Commission's rules do not prohibit discovery once a Motion for Summary Determination has been filed.**

Complainants' Motion rests on the incorrect premise that the mere step of Complainants' filing of Complainants' Motion somehow bars parties from seeking discovery. The Commission's rule provides the opposite. 20 CSR 4240-2.117(D) expressly authorizes the Commission to permit discovery where necessary to respond to a motion for summary determination "for good cause shown." That rule allows the Commission to continue consideration of the motion to permit such discovery. *Id.*<sup>2</sup> Moreover, under 20 CSR 4240-2.090(1) discovery may be had on the same conditions as allowed under the Missouri Rules of Civil Procedure. There is no scheduling or other order in this case that limits Ameren Missouri's rights to seek information that is relevant or reasonably calculated to lead to the discovery of admissible evidence in this case.

Thus, the governing questions are not whether discovery is barred simply because Complainants' Motion is pending, but whether the requested discovery is allowed under the Commission's rules irrespective of the Motion's filing or is

---

<sup>2</sup> As discussed below, the Stay Motion is arguably premature in any event given that Ameren Missouri has not to-date sought a continuation of the Commission's ruling on Complainants' Motion, to which a response is due April 13, 2026 (Under 20 CSR 4240-2.117, the response is due April 12, 2026, which is a Sunday, thus the response is due on Monday, April 13, 2026, per 20 CSR 4240-2.050).

“necessary to permit a response” to the Motion. Here, the answers to both questions are plainly “yes.”

**B. Complainants’ Complaint and Summary Determination Motion places causation squarely at issue.**

Complainants attempt to discount the issue of causation *they* raised in this case. Tellingly, Complainant’s Motion to Stay acts as though causation is not an issue, this despite the Complaint’s direct request that the Commission find that “Ameren’s retirement of Rush Island ... caused ... capacity shortages and [higher] clearing prices ...” and “aggrieved [Complainants]... by causing .... damages...,”<sup>3</sup> and their request for *full* summary determination on their Complaint. Instead, Complainants attribute intent to Ameren Missouri by claiming (without a shred of evidence to back up the claim) that Ameren Missouri only wishes to delay the resolution of the matter by propounding data requests that Ameren Missouri “hopes” will “reveal additional disputed facts.” *Motion to Stay* at 2. Complainants know better.

While Complainants selectively include as Exhibit F to their Motion to Stay a *portion* of an email exchange among counsel for Complainants and Ameren Missouri, what Complainants *omit* is telling, in that the email in its entirety

---

<sup>3</sup> Complaint (EFIS Item No. 1), Prayer for Relief ¶¶ (7) and (8). See also numerous other allegations in the Complaint, detailed below, where Complainants directly claim Ameren Missouri caused Complainants harm/damages. Similarly, Complainant’s speaking objections to the Company’s discovery completely fail to acknowledge the relevance of the Company’s discovery to the causation issues Complainants themselves raise.

explicitly lays out the purpose of the Company’s data requests—to develop facts related to the *Complainants’ claims* regarding *causation*. See *Exhibit A* at 1-2.<sup>4</sup>

Even though Complainants make no mention of it in their Motion to Stay or in their objections to Ameren Missouri’s data requests, Complainants have made causation a central issue in this case upon which the Company is entitled to discovery. Not only do Complainants attempt to run from the causation issue in their Motion to Stay and objections to the Company’s discovery, Complainants’ Motion relies on a fundamental procedural sleight of hand: it takes causation *allegations* from the Complaint—allegations that require proof—and attempts to repackage them as purportedly “uncontroverted” facts in the Complainants’ Motion’s listing of claimed uncontroverted material facts.

In the Complaint, Complainants alleged a multi-step causal chain:

- Ameren’s conduct caused the retirement of Rush Island (¶ 1);
- the retirement caused capacity shortages in MISO Zone 5 (¶ 2);
- that “**but for** the retired coal,” there would have been no capacity shortages (¶¶ 33, 35, 38, 39) (emphasis added);
- those shortages caused elevated clearing prices (¶¶ 36, 40); and
- those prices **caused** Complainants’ alleged damages (¶¶ 41–46) (emphasis added).

In addition, Complainants allege they are “aggrieved”<sup>5</sup> as a result of this conduct—an assertion that implicitly requires that Ameren Missouri caused Complainant’s

---

<sup>4</sup> Exhibit A to this response reflects the entirety of the email exchange.

<sup>5</sup> Unlike a complaint case lodged by a customer or an entity in contract with a utility, the theory implicit in the Complaint and assumed in Complainants’ Motion is that Ameren Missouri had a duty to these particular Complainants as MISO market participants based upon generalized market effects. Ameren Missouri denies it had any such duty to Complainants, nor have Complainants identified the source of any such claimed duty.

harm. Verified Complaint at ¶ 1. Those assertions are, by their nature, allegations and *nothing more*—they require evidentiary support and are subject to denial.<sup>6</sup>

In Complainants’ Motion, however, Complainants present the *same* propositions in materially identical form by improperly attempting a procedural maneuver. Specifically, they now present portions of that same causal theory—most notably a “but-for” causation assertion—by converting their (denied) factual allegations into what they now claim are “uncontroverted” facts:

- Ameren Missouri’s conduct led to the retirement of Rush Island (SUMF<sup>7</sup> ¶¶ 6-9);
- which “may” cause future harm yet unknown due to potential capacity shortages (SUMF ¶¶ 16-19);
- which “**but for** the retired coal” resulted in capacity shortages in MISO Zone 5 (SUMF ¶¶ 26–27) (emphasis added),
- which produced elevated clearing prices (SUMF ¶ 36),
- which in turn **caused** Complainants’ alleged harm (SUMF ¶¶ 25–26, 28) (emphasis added).

These are causal propositions, not neutral and undisputed background facts. They mirror the Complaint’s theory that Ameren Missouri’s conduct caused specific market outcomes and resulting harm. Because Complainants rely on these causal assertions to obtain summary determination *on their entire Complaint*, they must meet *their* burden to establish that these facts are not genuinely disputed. They cannot do so. The fact that both their Complaint and Motion for Summary Determination rely upon them make them subject to discovery.

---

<sup>6</sup> Indeed, as discussed further below, in its Answer, Ameren Missouri denied each one of these allegations.

<sup>7</sup> “SUMF”: Complainants’ Motion, starting at page 7, listing Complainants purported “Statement of Undisputed Material Facts by Operation of Law.”

SUMF ¶¶ 26-27 are the most egregious examples of Complainants’ attempt to turn mere allegations about the disputed issue of causation into “undisputed material facts” by relying on inferential conclusions attributed to MISO. Those allegations are not historical facts; they instead reflect a counterfactual inference drawn by Complainants’ attributed to a third party, and therefore are inherently subject to dispute (and, indeed, they have been disputed). As such, these paragraphs present disputed causal inferences, not uncontroverted facts, thereby making discovery relevant and necessary.<sup>8</sup>

In sum, there is no version of Complainants’ Motion in which causation is irrelevant. If they rely on the SUMF assertions regarding shortages, prices, and “but-for” causation, then causation is material and must be proven by Complainants. If they rely on their claims that they are “aggrieved,” then they must establish a causal connection between Ameren Missouri’s conduct and their alleged harm. In either case, causation remains a material issue. And because Ameren Missouri disputes it, discovery is required.

**C. Ameren Missouri’s Answer establishes that causation is genuinely disputed.**

Despite Complainant’s false assertion that its “undisputed material facts” are outright undisputed by Ameren Missouri or undisputed by “operation of law,”<sup>9</sup>

---

<sup>8</sup> Peculiarly, Complainants claimed undisputed material facts do not constitute factual allegations at all but instead, reflect *Complainants’ legal conclusion* of “but for” causation, and attempt to attribute this legal conclusion to a non-party to this docket – MISO.

<sup>9</sup> To the extent Complainants contend any facts are “undisputed by operation of law,” they completely misapply that principle, which (a) would only apply if Ameren Missouri failed to dispute a claimed undisputed material fact *when Ameren Missouri responds to Complainant’s Motion*, and (b) would only apply then if the denial was not proper, e.g., not backed by an affidavit, etc. *See, e.g.,*

Ameren Missouri's Answer squarely contests the very propositions Complainants seek to establish through their SUMF. Ameren Missouri:

- denies that its conduct caused the retirement or the alleged market consequences (Answer, ¶¶ 1-2, 27-28)
- disputes the existence and characterization of “capacity shortages” (Answer, ¶¶ 25-27, 32, 34, 36);
- denies any “but-for” causal relationship (Answer, ¶¶ 33, 35, 38-40); and
- denies that Complainants suffered damages caused by Ameren Missouri (Answer, ¶¶ 41-47).

These disputes go to the core of Complainants' Motion. Where the movant's own factual assertions are directly controverted, summary determination is improper.

That conclusion is reinforced by the Commission's own Staff. Specifically, in its March 13, 2026, Staff Report, it is clear that Staff understood that causation is a key element of Complainants' claims against Ameren Missouri. In its Report, Staff addressed causation and attempted to analyze whether Ameren Missouri's conduct caused the alleged capacity shortages and market outcomes but ultimately concluded that the issue was too complex to resolve on the existing record, identifying multiple contributing factors, including increased local clearing requirements, capacity import limitations, planned outages, and accreditation changes. *Staff Report* at 4-5. These findings demonstrate that causation is a multi-variable, *unresolved factual question*—not an undisputed fact. Where even Staff recognizes that causation cannot be determined on the current record, it cannot be

---

*Zipper v. Health Midwest*, 978 S.W.2d 398 (Mo. App. W.D. 1998) (Facts are not admitted “by operation of law” unless the non-movant fails to properly dispute them when responding to the summary judgment motion). Accordingly, having disputed them, no such procedural admission can or does exist.

treated as uncontroverted, and Complainants cannot preclude discovery directed to that issue. Indeed, Ameren Missouri's discovery requests are directed toward causation generally, including to such multiple contributing factors.

**D. Ameren Missouri's discovery requests directly target the SUMF causation assertions.**

Complainants contend that Ameren Missouri's discovery requests are unrelated to the pending Motion. That argument is incorrect because the discovery directly addresses the causal assertions in the SUMF (and the Complaint).

Ameren Missouri has already served targeted data requests seeking:

- Complainants' owned and contracted generation capacity and Zonal Resource Credit ("ZRC") usage;
- Complainants' Planning Reserve Margin Requirements ("PRMR") and how those requirements were satisfied;
- Complainants' own contribution (or lack of it) to MISO Zone 5's Local Clearing Requirement;
- Complainants' ability to and/or use of hedging using Historical Unit Considerations ("HUCs") or other risk mitigation efforts undertaken (or not undertaken);
- Complainant's actions (or lack thereof) given Rush Island's announced retirement; and
- Complainants' market participation structure and load-serving obligations.

*See, e.g., Fulton's Objections to Ameren Missouri's First Set of Data Requests* (attached as Exhibit A to Complainant's Motion to Stay).

This discovery goes directly to whether the propositions asserted in the SUMF—regarding shortages, prices, and “but-for” causation—are accurate. For example:

- If Complainants’ own capacity positions/LCR contributions (or lack of them) contributed to any alleged shortages, then the SUMF assertion that shortages were caused by Rush Island’s retirement is disputed;
- If Complainants failed to utilize available hedging mechanisms, then their theory that Ameren Missouri caused or solely caused them harm undermined and is thus disputed; and
- If multiple market participants (including Complainants) or other factors contributed to the same outcomes, then the SUMF’s “but-for” causation assertion cannot be accepted as undisputed.

Where multiple actors (or other factors) may have contributed to the same outcome, causation cannot be resolved as a matter of law without factual development. Complainants’ Motion seeks to foreclose that development. The Commission should decline to sanction Complainants attempt to rest its entire case on unproven and disputed allegations while at the same time resisting any discovery that is carefully targeted and designed to test those very same allegations.

**E. Missouri law supports discovery where specific, material issues are identified.**

In arguing that Ameren Missouri’s discovery should be stayed, Complainants rely on Missouri case law requiring a party that seeks a continuance of a summary judgment ruling while discovery is conducted to identify specific discovery and explain its materiality before the non-moving party may conduct discovery. Complainants, however, both misapply and misread the law. Neither Rule 74.04(f) nor *Acoma Dev., LLC v. Commerce Tower Place*, 725 S.W.3d 610 (Mo. App. W.D. 2025), stands for the proposition that discovery is barred simply because a summary judgment motion is pending. Instead, the legal principle is simply this—it is only where the party seeking discovery wants to *continue* the summary judgment motion

to conduct discovery that it must show the materiality of the discovery. *See Acoma*, 725 S.W.3d at 617 (“Acoma has not sustained its burden to show that additional discovery would have shown the existence of a genuine issue of material fact, and thus has not established that the trial court abused its discretion *in refusing to afford it additional time to obtain discovery* pursuant to Rule 74.04(f.)”); *Chouteau Auto Mart, Inc. v. First Bank of Missouri*, 91 S.W.3d 655, (Mo. App. W.D. 2002) (party seeking *continuance* of summary judgment to conduct discovery must show how the discovery sought would create a genuine issue of material fact).

Ameren Missouri, as of yet, has not sought such a continuance. It served its data requests on Complainants on March 19, 2026, which would require Complainants to provide their responses by April 8, 2026—four calendar days *before* Ameren Missouri’s response to Complainants’ Motion for Summary Judgment is due. Consequently, Ameren Missouri has not violated any summary judgment rules, nor has it filed any “unlawful” discovery requests. Neither Rule 74.04(f) nor *Acoma* are applicable to any matter currently pending before the Commission.

Even if it were obligated to demonstrate the materiality of its requests should it seek a continuance of a summary determination ruling, Ameren Missouri *has already done exactly that* in this response. It has: (a) identified specific discovery requests; (b) already served those requests; and (c) demonstrated that those requests are directed at the causal assertions contained in the Complaint and SUMF. This satisfies the governing standard, if and when it applies. Ameren Missouri is not conducting a “fishing expedition.” It is targeting discovery directed

at the precise issue Complainants have placed before the Commission: did Ameren Missouri cause capacity shortages and clearing prices that harmed (“aggrieved”) Complainants.

The data requests seek discovery material to Complainants’ Motion. Ameren Missouri has denied each step of this causal chain in its Answer and seeks discovery to allow it to respond to Complainant’s request that this case be entirely disposed of by way of summary determination. Here, Complainants invert the summary determination standard by assuming the truth of their causal theory and shifting to Ameren Missouri the burden of disproving it. The burden remains on the movant to establish both a right to judgment and the absence of any genuine issue of material fact. *See Wilmes v. Consumer Oil Co.*, 473 S.W.3d 705, 722-23 (Mo. App. W.D. 2015) (denying summary judgment because, among other disputed issues, movants failed to demonstrate that causation was undisputed).

Causation is a multi-variable, unresolved factual question—not an undisputed fact, and Ameren Missouri should be allowed to conduct discovery on that issue, especially where Complainants seek summary determination on their entire Complaint. By presenting disputed causal inferences as “uncontroverted facts” while simultaneously seeking to stay discovery directed at those very issues, Complainants effectively attempt to insulate their theory from scrutiny. This creates a closed procedural loop: Complainants assert causation as fact, seek dispositive relief based on that assertion, and then attempt to prevent Ameren Missouri from obtaining the discovery necessary to challenge it. Put another way,

Complainants' position amounts to a "because we allege it to be so, it therefore, is, and no one may question our allegations" approach.

The Commission's rules governing summary determination are designed to prevent precisely this outcome. Missouri law requires that a movant demonstrate the absence of any genuine dispute; a party cannot satisfy that burden by labeling contested causal allegations and inferences as uncontroverted facts. Because the causal propositions embedded in Complainants' Statement of Uncontroverted Material Facts remain genuinely disputed, discovery directed to those issues is necessary.

**F. The public interest favors a complete and accurate record, not premature disposition.**

Complainants contend that discovery would delay resolution and harm the public interest. The opposite is true. The public interest demands that a decision in this case be based on a complete and accurate record. No party should be allowed to file a complaint and then obtain a favorable disposal of it based on allegations that are disputed and unproven, and on a case procedure that denies the respondent the ability to engage in discovery to test those allegations. Premature summary determination on a complex, fact-intensive issue would risk error, undermine confidence in the Commission's decision-making, and deny Ameren Missouri Due Process.

The discovery Ameren Missouri seeks is targeted and necessary. Allowing it will promote—not hinder—the fair and efficient resolution of this matter.

## MOTION TO COMPEL

As noted, Complainants have taken the unusual step of seeking to stay discovery while also lodging total objections to all of Ameren Missouri's data requests. Those objections place the ball in Ameren Missouri's court, so-to-speak, and absent the Motion to Stay, would have precipitated a separate motion to compel. However, given that Complainants have in substance based their Motion to Stay on the bases reflected in the objections to the data requests, the most efficient means to resolve these discovery disputes is for the Commission to both deny Complainants Motion to Stay and compel timely and full and responsive answers to Ameren Missouri's discovery.

Consequently, Ameren Missouri requests (a) that the Commission waive 20 CSR 4240-2.090(8)(B)'s requirement for a conference with the presiding officer prior to the filing of a motion to compel – the foregoing procedural history reflected in this response establishes good cause for such a waiver,<sup>10</sup> and (b) compel full, timely, and responsive answers to Ameren Missouri's data requests.

The above argument convincingly establishes that Ameren Missouri's data requests meet the standards that govern discovery.

Under the 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

---

<sup>10</sup> If the Commission deems that a waiver is necessary, especially given that a discovery conference is scheduled for Friday, April 3, 2026.

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. The data requests seek relevant information on the causation issues *Complainants themselves* have squarely placed in front of the Commission. Regardless, the discovery is reasonably calculated to lead to the discovery of admissible evidence involving, among other things, what did (or did not) cause an LCR shortfall and regarding what Complainants did (or did not) do to themselves contribute to Zone 5's LCR or otherwise protect themselves from any price impacts from an LCR shortfall.

### CONCLUSION

Complainants' Motion to Stay Discovery should be denied and Complaints should be compelled to fully and timely respond to Ameren Missouri's data requests. Complainants' entire case, including its Motion, places causation squarely at issue. Ameren Missouri disputes those assertions and has served targeted discovery necessary to respond.

WHEREFORE, Respondent Union Electric Company, d/b/a Ameren Missouri, respectfully requests that the Commission deny Complainants' Motion to Stay Discovery, compel full and timely responses to its discovery, and grant such other and further relief as the Commission deems just and proper.

Respectfully submitted,

*/s/ James B. Lowery*

James B. Lowery, MoBar #40503

Michael R. Tripp, MoBar #41535

JBL Law, LLC

9020 S. Barry Road

Columbia, MO 65201

Telephone: (573) 476-0050

[lowery@jblawllc.com](mailto:lowery@jblawllc.com)

[tripp@jblawllc.com](mailto:tripp@jblawllc.com)

*/s/ Wendy K. Tatro*

Wendy K. Tatro, MoBar #60261

Director and Assistant General Counsel

Ameren Missouri

1901 Chouteau Avenue, MC 1310

P.O. Box 66149

Telephone: (314) 861-1705

Fax: (314) 554-4014

[AmerenMOService@ameren.com](mailto:AmerenMOService@ameren.com)

Attorneys for Respondent

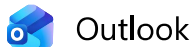
Union Electric Company, d/b/a Ameren

Missouri

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served on the attorneys for Missouri Public Power, the Staff of the Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 31st day of March, 2026.

*/s/ James B. Lowery* \_\_\_\_\_  
Attorney for Respondent



---

**Re: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marcelline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric**

---

**From** Tripp <Tripp@jblawllc.com>

**Date** Wed 3/25/2026 1:51 PM

**To** Peggy Whipple <peggy@healylawoffices.com>; Tatro, Wendy K <WTatro@ameren.com>; Jim Lowery <lowery@jblawllc.com>; Hernandez, Jennifer L <JHernandez2@ameren.com>

**Cc** Jacqueline Whipple <jacqueline.whipple@dentons.com>; Betty Hampton <betty@healylawoffices.com>

Peggy:

I appreciate your response. Please know that Ameren Missouri is not attempting to delay resolution of your motion, but we are still concerned about the element of causation that is interwoven in your complaint, and by extension, your motion. I understood from our conversation yesterday that you understood that causation is not a determination within the purview of the Commission.

To make clear our position and to ensure that the Commission--including the four nonlawyers you referenced yesterday--do not misunderstand what you are asking for, here is where we are:

Unless the Cities amend their Complaint to limit the relief sought to (a) a determination as to whether Ameren violated the CCN order and (b) a determination as whether Ameren violated the tariff you point to (i.e., limited to your prayers (5) and (6)), we will pursue our discovery directed toward your prayers (6) – (8).

I think that is your intent, but I do not think it is entirely clear. In terms of your motion itself, we also are not going to be able to agree with your characterization of the EF case order or your claim that the closure of Rush Island aggrieved your clients--which, again, suggests causation.

Please let us know if you think further discussion would be helpful.

Mike

---

**From:** Peggy Whipple <peggy@healylawoffices.com>

**Sent:** Tuesday, March 24, 2026 3:18 PM

**To:** Tripp <Tripp@jblawllc.com>; Tatro, Wendy K <WTatro@ameren.com>; Jim Lowery <lowery@jblawllc.com>; Hernandez, Jennifer L <JHernandez2@ameren.com>

**Cc:** Jacqueline Whipple <jacqueline.whipple@dentons.com>; Betty Hampton <betty@healylawoffices.com>

**Subject:** RE: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marcelline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

Mike and Team,

I'm having difficulty following how I can make my pending motion more clear about its scope by another filing referencing certain paragraphs in the Verified Complaint...but I think I understand where you are headed, and I appreciate this conversation. **EXHIBIT A**

How about I file the following "Amendment for Purposes of Clarification to the Conclusion and Prayer for Relief" in our pending Motion:

*Given that there are no undisputed material facts, and Missouri Public Power is thus entitled to a Determination on the Pleadings or Summary Determination as a matter of law, and complete resolution of this case by a Determination on the Pleadings or Summary Determination is in the Public Interest, Missouri Public Power requests this Commission's order that:*

*\*Ameren is subject to the jurisdiction of this Commission; and*

*\*In its operation of its Rush Island Energy Center ("Rush Island"), Ameren failed to obtain all necessary permits and approvals from all governmental and regulatory authorities having jurisdiction; and*

*\*Ameren therefore violated its Tariff Sheet No. 102; and*

*\*In its operation of Rush Island, Ameren failed to comply with applicable federal and state air quality standards; and*

*\*Ameren therefore violated its CCN ordered at 15 Mo. P.S.C. (N.S.) 505, Case No. 17,139 on May 21, 1971 (effective June 2, 1971); and*

*\*This Commission acknowledged in its Report & Order issued in EF-2024-0021 its authority to preside over cases evidencing harm resulting from Ameren's actions/decisions at Rush Island; and*

*\*The City of Fulton, Hannibal Board of Public Works, Kirkwood Electric, City of Marceline and City of New Madrid are each a person or public utility who feel aggrieved by Ameren's violation of its Tariff, CCN and the Commission's Orders.*

Peggy

Peggy A. Whipple  
Healy Law Offices, LLC  
[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)  
417-864-7018

---

**From:** Tripp <Tripp@jblawllc.com>

**Sent:** Tuesday, March 24, 2026 2:30 PM

**To:** Peggy Whipple <peggy@healylawoffices.com>; Tatro, Wendy K <WTatro@ameren.com>; Jim Lowery <lowery@jblawllc.com>; Hernandez, Jennifer L <JHernandez2@ameren.com>

**Cc:** Jacqueline Whipple <jacqueline.whipple@dentons.com>; Betty Hampton <betty@healylawoffices.com>

**Subject:** Re: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

Peggy,

As a follow-up to our call, if your clients would explicitly represent to the Commission in a filing that your summary determination is not requesting a determination on causation (your Petition at ¶¶ 38 and 39 and your motion's request for a finding that the commission has authority to "preside over cases evidencing harm resulting from Ameren's actions/decisions at Rush Island" at p. 2 suggest as much), we would be open to tabling our data requests pending determination of your motion for summary determination.

Mike

Get [Outlook for iOS](#)

---

**From:** Peggy Whipple <[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)>  
**Sent:** Tuesday, March 24, 2026 11:58:06 AM  
**To:** Tatro, Wendy K <[WTatro@ameren.com](mailto:WTatro@ameren.com)>; Tripp <[Tripp@jblawllc.com](mailto:Tripp@jblawllc.com)>; Jim Lowery <[lowery@jblawllc.com](mailto:lowery@jblawllc.com)>; Hernandez, Jennifer L <[JHernandez2@ameren.com](mailto:JHernandez2@ameren.com)>  
**Cc:** Jacqueline Whipple <[jacqueline.whipple@dentons.com](mailto:jacqueline.whipple@dentons.com)>; Betty Hampton <[betty@healylawoffices.com](mailto:betty@healylawoffices.com)>  
**Subject:** RE: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

Thank you, Wendy – we will have a good conversation with Mike, but will include you all on the actual invite just as a courtesy.

Peggy

Peggy A. Whipple  
Healy Law Offices, LLC  
[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)  
417-864-7018

---

**From:** Tatro, Wendy K <[WTatro@ameren.com](mailto:WTatro@ameren.com)>  
**Sent:** Tuesday, March 24, 2026 11:54 AM  
**To:** Peggy Whipple <[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)>; Tripp <[Tripp@jblawllc.com](mailto:Tripp@jblawllc.com)>; Jim Lowery <[lowery@jblawllc.com](mailto:lowery@jblawllc.com)>; Hernandez, Jennifer L <[JHernandez2@ameren.com](mailto:JHernandez2@ameren.com)>  
**Cc:** Jacqueline Whipple <[jacqueline.whipple@dentons.com](mailto:jacqueline.whipple@dentons.com)>; Betty Hampton <[betty@healylawoffices.com](mailto:betty@healylawoffices.com)>  
**Subject:** RE: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

Mike is going to handle this one, as several of us are on vacation or booked solid. And we want to be responsive to your request.

**WENDY TATRO** :: Director and Assistant General Counsel :: Work 314.861.1705

---

**From:** Peggy Whipple <[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)>  
**Sent:** Tuesday, March 24, 2026 11:51 AM  
**To:** Tripp <[Tripp@jblawllc.com](mailto:Tripp@jblawllc.com)>; Jim Lowery <[lowery@jblawllc.com](mailto:lowery@jblawllc.com)>; Tatro, Wendy K <[WTatro@ameren.com](mailto:WTatro@ameren.com)>; Hernandez, Jennifer L <[JHernandez2@ameren.com](mailto:JHernandez2@ameren.com)>  
**Cc:** Jacqueline Whipple <[jacqueline.whipple@dentons.com](mailto:jacqueline.whipple@dentons.com)>; Betty Hampton <[betty@healylawoffices.com](mailto:betty@healylawoffices.com)>  
**Subject:** [EXTERNAL] RE: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

---

**EXTERNAL SENDER STOP.THINK.QUESTION.**

Verify unexpected requests before opening links or attachments.

---

Mike – are we including any other Ameren counsel on this call?

Peggy

Peggy A. Whipple  
Healy Law Offices, LLC  
[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)  
417-864-7018

**From:** Tripp <[Tripp@jblawllc.com](mailto:Tripp@jblawllc.com)>  
**Sent:** Tuesday, March 24, 2026 11:42 AM  
**To:** Peggy Whipple <[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)>; Jim Lowery <[lowery@jblawllc.com](mailto:lowery@jblawllc.com)>; Tatro, Wendy K ([WTatro@ameren.com](mailto:WTatro@ameren.com)) <[wtatro@ameren.com](mailto:wtatro@ameren.com)>; Hernandez, Jennifer L <[jhernandez2@ameren.com](mailto:jhernandez2@ameren.com)>  
**Cc:** Jacqueline Whipple <[jacqueline.whipple@dentons.com](mailto:jacqueline.whipple@dentons.com)>; Betty Hampton <[betty@healylawoffices.com](mailto:betty@healylawoffices.com)>  
**Subject:** Re: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

Peggy,

I am available today between 1:30 and 2:30, and tomorrow between 10:30 and 11:30 or after 1:30.

Mike

Get [Outlook for iOS](#)

---

**From:** Peggy Whipple <[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)>  
**Sent:** Tuesday, March 24, 2026 10:42:42 AM  
**To:** Tripp <[Tripp@jblawllc.com](mailto:Tripp@jblawllc.com)>; Jim Lowery <[lowery@jblawllc.com](mailto:lowery@jblawllc.com)>; Tatro, Wendy K ([WTatro@ameren.com](mailto:WTatro@ameren.com)) <[wtatro@ameren.com](mailto:wtatro@ameren.com)>; Hernandez, Jennifer L <[jhernandez2@ameren.com](mailto:jhernandez2@ameren.com)>  
**Cc:** Jacqueline Whipple <[jacqueline.whipple@dentons.com](mailto:jacqueline.whipple@dentons.com)>; Betty Hampton <[betty@healylawoffices.com](mailto:betty@healylawoffices.com)>  
**Subject:** RE: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

You don't often get email from [peggy@healylawoffices.com](mailto:peggy@healylawoffices.com). [Learn why this is important](#)

I don't believe we need an RLJ at this point. My possibly-generous reading of 20 CSR 4240-2.090(8) indicates that we lawyers should talk by telephone or in person before I file a motion to stay this discovery. Clearly, it's easier and cheaper for our clients for us to talk by telephone, so of course that is my suggestion.

Peggy

Peggy A. Whipple  
Healy Law Offices, LLC  
[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)  
417-864-7018

---

**From:** Tripp <[Tripp@jblawllc.com](mailto:Tripp@jblawllc.com)>  
**Sent:** Tuesday, March 24, 2026 10:36 AM  
**To:** Peggy Whipple <[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)>; Jim Lowery <[lowery@jblawllc.com](mailto:lowery@jblawllc.com)>; Tatro, Wendy K ([WTatro@ameren.com](mailto:WTatro@ameren.com)) <[wtatro@ameren.com](mailto:wtatro@ameren.com)>; Hernandez, Jennifer L <[jhernandez2@ameren.com](mailto:jhernandez2@ameren.com)>  
**Cc:** Jacqueline Whipple <[jacqueline.whipple@dentons.com](mailto:jacqueline.whipple@dentons.com)>; Betty Hampton <[betty@healylawoffices.com](mailto:betty@healylawoffices.com)>  
**Subject:** Re: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

Peggy, is your request simply for a conversation as to whether we will withdraw our requests or do you mean to include an ALJ? Just seeking clarification.

Thanks,  
Mike

Get [Outlook for iOS](#)

---

**EXHIBIT A****From:** Peggy Whipple <[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)>**Sent:** Tuesday, March 24, 2026 10:23:56 AM**To:** Jim Lowery <[lowery@jblawllc.com](mailto:lowery@jblawllc.com)>; Tripp <[Tripp@jblawllc.com](mailto:Tripp@jblawllc.com)>; Tatro, Wendy K ([WTatro@ameren.com](mailto:WTatro@ameren.com)) <[wtatro@ameren.com](mailto:wtatro@ameren.com)>; Hernandez, Jennifer L <[jhernandez2@ameren.com](mailto:jhernandez2@ameren.com)>**Cc:** Jacqueline Whipple <[jacqueline.whipple@dentons.com](mailto:jacqueline.whipple@dentons.com)>; Betty Hampton <[betty@healylawoffices.com](mailto:betty@healylawoffices.com)>**Subject:** FW: Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

Good morning, Ameren Counsel,

Please advise as to a date and time today or tomorrow for a telephone conference about the attached Data Requests you served on my clients on March 19<sup>th</sup>.

Because of the pendency of my clients' motion for summary disposition, your Data Requests fail to comply with 20 CSR 4240-2.117(D), Missouri Rule of Civil Procedure 74.04 and the law of *Acoma Dev., LLC v. Com. Tower Place*, 725 S.W.3d 610, 616-618 (Mo. App. W.D. 2025). Thus, I will have to draft and serve objections and a motion to stay discovery no later than March 29<sup>th</sup>, unless you will agree to withdraw your Data Requests.

As we have always afforded each other every professional courtesy, I look forward to discussing and resolving this matter with you,

Peggy

Peggy A. Whipple  
Healy Law Offices, LLC  
[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)  
417-864-7018

---

**From:** MORegParalegals <[MORegParalegals@ameren.com](mailto:MORegParalegals@ameren.com)>**Sent:** Thursday, March 19, 2026 2:27 PM**To:** [jacqueline.whipple@dentons.com](mailto:jacqueline.whipple@dentons.com); Peggy Whipple <[peggy@healylawoffices.com](mailto:peggy@healylawoffices.com)>; [chandler.hiatt@dentons.com](mailto:chandler.hiatt@dentons.com)**Cc:** Nathan Williams <[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)>; Tiffany Hildebrand <[opcservice@opc.mo.gov](mailto:opcservice@opc.mo.gov)>; Pringle, Travis <[Travis.Pringle@psc.mo.gov](mailto:Travis.Pringle@psc.mo.gov)>; Tatro, Wendy K <[WTatro@ameren.com](mailto:WTatro@ameren.com)>; Hernandez, Jennifer L <[JHernandez2@ameren.com](mailto:JHernandez2@ameren.com)>; Mike Tripp <[tripp@jblawllc.com](mailto:tripp@jblawllc.com)>; Ameren Missouri Service <[AmerenMOService@ameren.com](mailto:AmerenMOService@ameren.com)>**Subject:** Ameren Missouri's First Set of Data Requests to City of Fulton, City of Marceline, City of New Madrid, Hannibal Board of Public Works, and Kirkwood Electric

You don't often get email from [moregparalegals@ameren.com](mailto:moregparalegals@ameren.com). [Learn why this is important](#)  
Counsel,

Attached for service are the following:

Ameren Missouri's First Set of Data Requests to City of Fulton  
Ameren Missouri's First Set of Data Requests to City of Marceline  
Ameren Missouri's First Set of Data Requests to City of New Madrid  
Ameren Missouri's First Set of Data Requests to Hannibal Board of Public Works  
Ameren Missouri's First Set of Data Requests to Kirkwood Electric

**Sincerely,**  
**Crystal Tassello**

.....

Missouri Regulatory Paralegal II :: Legal Department :: Ofc (618) 340-4595  
**Ameren Missouri** :: 1901 Chouteau Avenue, MC 1310 :: St. Louis, MO 63103

.....



This communication and any attachments may be privileged and/or confidential and protected from disclosure, and are otherwise the exclusive property of Ameren Corporation and its affiliates (Ameren) or the intended recipient. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message do not necessarily represent those of Ameren. All e-mails are subject to Ameren policies. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer.

This communication and any attachments may be privileged and/or confidential and protected from disclosure, and are otherwise the exclusive property of Ameren Corporation and its affiliates (Ameren) or the intended recipient. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Note that any views or opinions presented in this message do not necessarily represent those of Ameren. All e-mails are subject to Ameren policies. If you have received this in error, please notify the sender immediately by replying to the message and deleting the material from any computer.