

In the Matter of the Motion to Declassify)
Surveillance Monitoring Report of Ameren Missouri) Case No. EO-2013-0413
for the Twelve Month Period Ending December 31, 2012.)

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”), and for its Response to the *Motion to Make Certain Documents Public, Request for Waiver, and Motion for Expedited Treatment* (the “Motion”) filed on March 7, 2013 by the Missouri Industrial Energy Consumers (“MIEC”), the Office of Public Counsel (“OPC”), AARP and Consumers Council of Missouri (“AARP/CCM”) (collectively the “Joint Movants”), states as follows:

2. Nonetheless, Ameren Missouri feels compelled to briefly address the larger policy concerns raised by the Joint Motion, which could impact future proceedings involving the

requested public disclosure of information that utilities submit to the Commission with the understanding that it will be treated as Highly Confidential or Proprietary. Ameren Missouri believes that it is critically important for the Commission to diligently protect the confidentiality of information that public utilities provide to it with the understanding that it will not be publicly disclosed. Any public disclosure of information properly filed as Highly Confidential or Proprietary would have a chilling effect on the Commission's ability to gather confidential information from all utilities—information that is critical to the Commission's discharge of its duties in monitoring and regulating public utilities.

3. The General Assembly has specifically recognized the importance of protecting confidential information submitted by utilities to the Commission from disclosure. Section 396.480 RSMo. makes it a crime for any employee of the Commission or the Public Counsel to divulge any such information.

4. As a practical matter, if utilities believe that the information they submit to the Commission as confidential, to enable the Commission to discharge its duties, can be cherry-picked and used (or misused) for lobbying or other purposes, utilities will have to carefully construct documents with this possibility in mind. They will have to put every piece of information provided to the Commission in its proper context. Documents will have to be drafted so that readers who are not experts in the field of public utility regulation will be able to understand what they mean. This also will adversely impact the exchange of information between the Commission and its expert Staff and the utilities that it regulates, to the detriment of the regulatory process and ultimately the public interest.

5. As previously mentioned in this case, because Ameren Missouri has voluntarily disclosed all of the information that was originally submitted as Highly Confidential, the issues

raised by the Joint Motion are now moot. But in future proceedings, the policy considerations addressed above should guide the Commission's treatment of information properly submitted by public utilities as Highly Confidential or Proprietary.

Respectfully submitted,

UNION ELECTRIC COMPANY
d/b/a Ameren Missouri

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was served via e-mail on all counsel of record this 18th day of March, 2013.

/s/Thomas M. Byrne