

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

In the Matter of Union Electric Company d/b/a        )  
Ameren Missouri’s 2023 Utility Resource Filing    )    File No. EO-2024-0020  
Pursuant to 20 CSR 4240-Chapter 22.                )

**GRAIN BELT EXPRESS LLC’S MOTION TO MODIFY PROTECTIVE ORDER**

Grain Belt Express LLC (“Grain Belt Express”), by and through counsel, requests modification to the Protective Order established in this docket on November 30, 2023. In support of its Motion, Grain Belt Express states as follows:

1. On November 30, 2023, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) sought a protective order to both change the designation of certain already-filed documents from Confidential to Highly Confidential, and to allow Ameren to designate future submissions as Highly Confidential. Ameren Missouri’s Motion for Protective Order and Motion for Expedited Treatment at ¶ 1.

2. Ameren Missouri described this class of information as “resource cost information for candidate resources in Chapters 6 (and Appendix A) and 9 of the IRP, in any related workpapers, *and any such resource cost information that may later be sought via discovery.*” *Id.* at ¶ 3 (emphasis added).

3. The same day, the Commission granted the Protective Order, providing that *Ameren Missouri* could designate the following information as “highly confidential”:

Resource cost information<sup>1</sup> for candidate resources in Chapters 6 (and Appendix A) and 9 of the IRP, in any related workpapers, and any such resource cost information that may later be sought via discovery.

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<sup>1</sup> “Resource cost information” includes cost estimates and curves used for different types of supply-side resources, and related information used to develop such estimate and curves such as

4. The Protective Order, as written, only allows Ameren Missouri to designate such materials as Highly Confidential. *See* Protective Order at p. 2, Order Paragraphs 1-2.

5. During discovery, Ameren Missouri has requested information from Grain Belt Express that would require similar disclosures of resource cost information that Ameren Missouri has sought to protect. For example, Ameren Missouri has requested pricing information relating sales of capacity on the Grain Belt Express transmission line and associated wind energy generation assets and details about Grain Belt Express' negotiations with third parties regarding energy sales relating to the same resources.

6. While Grain Belt Express questions the relevance of some components of these questions, it appears that in the course of discovery, Grain Belt Express may have to disclose sensitive resource cost information.

7. For the same reasons that Ameren Missouri considers its resource cost information particularly sensitive,<sup>2</sup> so too does Grain Belt Express. Similar to Ameren Missouri, Grain Belt Express continues to engage in negotiations with potential customers for the sale of capacity on its transmission line. These negotiations are or will be subject to a Non-Disclosure Agreements to ensure that proprietary and competitively sensitive information is not disclosed. It would be harmful to Grain Belt Express if its resource cost information were known to other potential counterparties. Additionally, Grain Belt Express and other potential counterparties would have similar expectations of confidentiality regarding the status of their negotiations. It would be

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requests for proposals (RFP) responses and information showing resource cost components like bids or pricing for equipment, materials, and labor.

<sup>2</sup> *See* paragraphs 5-7 of Ameren Missouri's Motion for Protective Order and Motion for Expedited Treatment.

harmful to the Grain Belt Express and these counterparties (many of which are public utilities too) if the status or terms of their negotiations were disclosed.

8. Pursuant to 20 CSR 4240-2.135(4) which allows for greater protection of information requiring greater protections, and in keeping with the Commission's currently issued Protective Order, it is proper for the Commission to extend the protections afforded to Ameren Missouri to any other party who shares resource cost information in this docket.

9. Fortunately, the Commission's current Protective Order is well-suited to modification. Amending the Protective Order would not cause a need for a second non-disclosure form or any other complicating procedures. Instead, the Commission need only adopt language allowing other parties to use the protections afforded to Ameren Missouri.

10. For the foregoing reasons, Grain Belt Express respectfully requests the Commission modify the Protective Order.

WHEREFORE, Grain Belt Express respectfully requests the Commission modify its Protective Order at Paragraphs 1 and 2 to read as follows:

1. Grain Belt Express' Motion to Modify the Protective Order is granted as to the following information designated by any party as "highly confidential":

Resource cost information<sup>3</sup> for candidate resources in Chapters 6 (and Appendix A) and 9 of the IRP, in any related workpapers, and any such resource cost information that may later be sought via discovery from any party.

2. Information designated by any party as "highly confidential" shall be disclosed only to attorneys of record for all parties, to state agency parties and their employees covered

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<sup>3</sup> "Resource cost information" includes cost estimates and curves used for different types of supply-side resources, and related information used to develop such estimate and curves such as requests for proposals (RFP) responses and information showing resource cost components like bids or pricing for equipment, materials, and labor.

by statutory confidentiality requirements, and to designated outside experts of any non-state agency party.

Respectfully submitted,

/s/ Andrew O. Schulte

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ATTORNEYS FOR GRAIN BELT EXPRESS LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served upon the parties listed on the official service list by email, this 10th day of April 2024.

*/s/ Andrew O Schulte*  
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Attorney for Grain Belt Express