

Confidential Designation

The information redacted and/or not produced in the Public Redacted version of the above-referenced document has been designated confidential pursuant to the following checked subsection(s) of 20 CSR 4240-2.135(2)(A):

- ☐ 1. Customer-specific information;
- ☐ 2. Employee-sensitive personnel information;
- ☒ 3. Marketing analysis or other market-specific information relating to services offered in competition with others;
- ☐ 4. Marketing analysis or other market-specific information relating to goods or services purchased or acquired for use by a company in providing services to customers;
- ☐ 5. Reports, work papers, or other documentation related to work produced by internal or external auditors, consultants, or attorneys, except that total amounts billed by each external auditor, consultant, or attorney for services related to general rate proceedings shall always be public;
- ☒ 6. Strategies employed, to be employed, or under consideration in contract negotiations;
- ☐ 7. Relating to the security of a company's facilities; or
- ☒ 8. Concerning trade secrets, as defined in section 417.453, RSMo.

Explanation of Confidential Designation:

Schedule NR-D4 (Confidential) is a draft contract with ATXI's partner, the Missouri Joint Municipal Electric Utility Commission (MJMEUC), for joint ownership of certain assets which will be part of the DZTM Project, and is designated as Confidential information under 20 CSR 4240-2.135(2)(A) 3, 6 and 8 as well as RSMo Sections 610.021(2),(12) and (14).

Item 3 of 20 CSR 4240-2.135(2)(A) refers to "[m]arketing analysis or other market-specific information relating to services offered in competition with others." Portions of the DTZM Project were awarded through MISO's Competitive Developer Selection Process, and ATXI's arrangements with its partners who will jointly own or use such facilities with ATXI would disclose information that ATXI's competitors could use to the detriment of ATXI and to consumers who ultimately pay for the costs of such transmission facilities.

Item 6 of 20 CSR 4240-2.135(2)(A) refers to "[s]trategies employed, to be employed, or under consideration in contract negotiations." The draft agreement with MJMEUC reflects strategies employed, to be employed, or under consideration in contract negotiations, and as such falls within the category of confidential information listed in Item 6.

Item 8 of 20 CSR 4240-2.135(2)(A) refers to information "[c]oncerning trade secrets, as defined in section 417.453, RSMo." Section 417,453, RSMo, defines "trade secret" as "information, including but not limited to, technical or nontechnical data, a formula, pattern, compilation, program, device, method, technique, or process, that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and (b) Is the subject of

efforts that are reasonable under the circumstances to maintain its secrecy. The Joint Ownership Agreement constitutes information which has been compiled using various data, formula, programs, methods, techniques, and processes in a manner that derives independent economic value by not being readily available to others and for which it is reasonable under the circumstances to maintain its secrecy.

The draft unsigned contract reflects its current terms and conditions, and if publicly disclosed could be used to the detriment of ATXI in negotiating similar contracts going forward. The detailed terms and conditions of the contract reflect how ATXI is structuring its use and ownership of transmission facilities with its third-party partner, including in connection with proposals for competitive transmission projects being developed by MISO. This information could be used to the benefit of ATXI's competitors and the detriment of ATXI and consumers in this and future projects involving this or other partners, and falls within the protected categories of Confidential information defined in 20 CSR 4240-2.135(2)(A) 3, 6, and 8.

Pursuant to the Order Regarding Motion to Make Information Public issued by the Missouri Public Service Commission (Commission) on February 27, 2025 in Docket EA-2025-0087, the Commission found that "although the Commission agrees with OPC that no explanation was [previously] provided by ATXI with the schedules as to how disclosure of the contracts' terms and conditions would reveal contract negotiation strategies, trade secrets, or market analysis, the Commission finds that ATXI's response to OPC's motion provides adequate explanation for the confidentiality designation." Likewise, the Commission will direct ATXI to submit amended Schedules NR-D3, NR-D4, and NR-D6 with cover sheets or pleadings describing how the information qualifies as confidential under Commission Rule 20 CSR

4240-2.135(2)(A), subsections 3, 6, and 8 and how those subsections apply.” The Commission also directed “ATXI to limit the redaction of confidential information in Schedules NR-D3, NR-D4, and NR-D6 to only the specific information that qualifies as confidential.”

In accordance with the February 27, 2025, order, ATXI has submitted this cover sheet describing how the information qualifies as confidential under Commission Rule 20 CSR 4240-2.135(2)(A), subsections 3, 6, and 8. ATXI has also limited the redaction of confidential information in Schedules NR-D3, NR-D4, and NR-D6 to the specific information that qualifies as confidential.” In this regard, the introductory and signature sections of the agreements, the table of contents for the agreements (except where those headings disclose the content or substance of a provision embodied in the agreement, and the list of defined terms (except where those definitions disclose the substance of certain provisions that are included in the agreement) have not been redacted in the Public Redacted versions.