

parties to this case.³ Consequently, the Company seeks a protective order allowing it to designate such information as "Highly Confidential" under 20 CSR 4240-2.135(4).

3. Under 20 CSR 4240-2.135(4), a motion for greater protection, like this one, must explain the following:

- A. What information must be protected,
- B. The harm to the disclosing entity or the public that might result from disclosure of the information, and
- C. How the information may be disclosed while protecting the interests of the disclosing entity and the public.

4. What information must be protected: Information contained in the Company's direct case and workpapers at this juncture of the case includes market-based supply-side resource costs. As the case progresses, other information about those costs, such as: responses to bid specifications and Requests for Proposals and information regarding various cost and pricing information related to supply-side resources may also be produced in discovery or be included in other pre-filed testimony.

5. After filing its direct case on May 14, 2025, the Company realized that it had submitted a "confidential" version of one schedule, Schedule MM-D1 to Company witness Matt Michels' Direct Testimony, which had been designated as "confidential" in File No. EO-2025-0235 (the Company's 2025 Notice of Change in Preferred Resource Plan docket ("Change in PRP Docket")), and that Schedule MM-D1 as submitted in this docket was the same document submitted in the Change in PRP Docket. In that docket, consistent with the Company's Motion for Protective Order in that docket and the Commission granting the same, the confidential version

³ Employees of the Commission, the Office of the Public Counsel, and the Division of Energy are all covered by statutes protecting the confidentiality of information submitted to the Commission by utilities.

reflected redactions of supply-side resource cost information. Such information was only available in the Highly Confidential version filed in the Change in PRP Docket, pursuant to the protective order in that case.

6. To the extent such information is contained in the Company's direct case filing in this case, it has, in the documents submitted concurrently herewith, been designated as Highly Confidential in accordance with 20 CSR 4240-2.135(4)(B) because it reflects market-specific information relating to goods or service to be purchased or acquired by the Company for use in providing service to customers.⁴ If additional information falling within these categories is to be produced in discovery or in later-filed testimony, or other evidence to be presented in this case, it will likewise be designated as Highly Confidential. The information for which Highly Confidential treatment is sought cannot be found in any other public document.

7. Potential harm: Highly Confidential protection for these materials is needed for several reasons. First, the Company continues to engage in negotiations with the various contractors for construction of various resources that are relevant to and discussed in its filing in this case. The Company and each contractor and supplier, as a routine course, enter a Non-Disclosure Agreement to ensure that proprietary and competitively sensitive information is not disclosed. It would be harmful to the Company, and its customers, if the pricing, terms, and conditions negotiated or to be negotiated for such projects were known to other potential counterparties. It could also potentially be harmful to other Missouri electric utilities and their customers for the same reasons.

8. 20 CSR 4240-2.135(4) is in keeping with Missouri Supreme Court Rule 56.01(c)(7), which provides that protective orders may be issued "... to protect a party or person

⁴ And therefore, even in the absence of a protective order, is confidential information under 20 CSR 4240-20.135(2)(A)4.

from annoyance, embarrassment, oppression, or undue burden or expense, including ... that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way . . ."

9. How the information may be disclosed while protecting the interests of the disclosing entity and the public: Granting this protective order will prevent access to competitively sensitive information that could work to the disadvantage of counterparties to supply-side project negotiations. The information will still be disclosed to attorneys of record for all parties to the case, to any state agency parties and their employees covered by statutory confidentiality requirements, and to designated outside experts of any non-state agency party.

10. Based on the reasons similar to those given herein, the Commission has previously issued a protective order on the terms requested in several prior supply-side CCN cases, including in the Company's Boomtown solar facility CCN case, File No. EA-2022-0245 and its most recent generation CCN case, File No. EA-2024-0237.

11. Attached to this motion is the disclosure form the Commission directed to be used in File No. EA-2022-0245. The Company requests that the Commission direct use of that same form (marked as **Exhibit A** hereto) in this docket for those persons who will be authorized to access "confidential" information. That form, however, needs to be modified for those persons who, under the terms of the protective order requested hereby, can access "Highly Confidential" information. Consequently, the Company requests that the Commission direct use of a modified form (marked as **Exhibit B** hereto) in this docket for those persons who will be authorized to access "Highly Confidential" information.

12. Under 20 CSR 4240-2.135(10), "confidential" information is to be denoted as follows: ****confidential information****. Because Ameren Missouri is filing both "confidential"

and "Highly Confidential" information, Ameren Missouri has utilized three asterisks to denote "Highly Confidential" information, as follows: ***highly confidential information***.

13. To clarify the filings it is making concurrently with the filing of this motion, the Company notes that when the Company filed its direct case on May 14, 2025, it should have filed this Motion for Protective Order and submitted three versions of Mr. Michels' Direct Testimony, as follows: a public version, where the supply-side cost information in Schedule MM-D1 was redacted; a confidential version, where such information was also redacted, and a Highly Confidential version where such information was not redacted. Concurrently with this filing, the Company is now filing a Highly Confidential version. The Company apologizes for the oversight.

14. The Company also notes that it also incorrectly added reason 8 (trade secrets) to the designations in the originally filed confidential version of Mr. Michels' Schedule MM-D1. Consequently, concurrently with this filing the Company is also refileing the confidential version of Mr. Michels' Direct Testimony to only designate 20 CSR 4240-2.135(2)(A)4 as the reason for confidential treatment. The redacted information in both the public and confidential versions of Mr. Michels' Schedule MM-D1 is confidential because as explained above, it reflects information about the market price of goods and services the Company obtains for use in providing service to its customers, and it should be given additional protection as highly confidential information for the reasons discussed herein.

WHEREFORE, Ameren Missouri respectfully requests that the Commission issue the protective order requested herein and direct use of the Non-Disclosure Agreement forms marked as Exhibits A and B hereto.

Respectfully submitted,

/s/ James B. Lowery

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**ATTORNEYS FOR UNION ELECTRIC
COMPANY d/b/a AMEREN MISSOURI**

CERTIFICATE OF SERVICE

The undersigned certifies that true and correct copies of the foregoing was served on the Staff of the Missouri Public Service Commission and the Office of the Public Counsel via electronic mail (e-mail) on this 19th day of May, 2025.

/s/ James Lowery

James Lowery

NONDISCLOSURE AGREEMENT

For Case No.: ET-2025-0184

(To Access Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the _____ day of ___, 20__.

I have requested review of the confidential information produced in Case No. EA-2023-0286 on behalf of _____.

I hereby certify that:

- (a) Only employees of a party that are acting as an expert for that party or that have been retained for this case as an outside expert for that party may receive confidential information;
- (b) An employee is a person in the service of his or her employer whose services are controllable by the employer.
- (c) I am employee of [state name of intervenor] acting as its expert and/or its employee who intends to file testimony in this docket, or I am an outside expert for [state name of intervenor] retained to provide expert consultation or testimony in this docket; and
- (d) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135.

Dated this _____ day of _____, 20__.

Signature & Title

Employer

Party

Address

Telephone

E-Mail Address

NONDISCLOSURE AGREEMENT
For Case No.: ET-2025-0184
(To Access Highly Confidential Information)

I, _____, have reviewed the Commission's Rule at 20 CSR 4240-2.135 on the _____ day of _____, 20__.

I have requested review of the highly confidential information produced in Case No. EA- 2023-0286 on behalf of _____.

I hereby certify that:

- (a) Only an outside expert retained by a party in this case may receive highly confidential information;
- (b) I am an employee of _____ acting as an outside expert for [state name of intervenor] _____ retained to provide expert consultation or testimony in this docket; and
- (c) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

Dated this _____ day of _____, 20_____.

Signature & Title

Employer

Party

Address

Telephone

E-Mail Address