

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

In the Matter of the Application of Union)
Electric Company d/b/a Ameren Missouri) File No. ET-2025-0184
for Approval of New Modified Tariffs for)
Service to Large Load Customers)

JOINT MOTION FOR PROTECTIVE ORDER

Pursuant to 20 CSR 4240-2.135(3) and (4), Amazon Data Services, Inc. (“ADS”) and Google LLC (“Google”) hereby file this Joint Motion for Protective Order:

I. Background

1. On May 14, 2025, Union Electric Company d/b/a Ameren Missouri (“Ameren Missouri”) filed its “Application for Approval of Ameren Missouri’s Large Load Customer (“LLC”) Rate Plan and Associated Tariffs” in this docket requesting adoption of rates and tariffs applicable to large load customers (defined as customers with loads larger than 100 MW) throughout the service territory of Ameren Missouri (“LLC Rate Plan”).

2. ADS filed its Application to Intervene on June 12, 2025, which was granted on June 13, 2025.

3. Google filed its Application to Intervene on May 22, 2025, which was granted on June 13, 2025.

4. Other parties that have been granted intervention include Missouri Industrial Energy Consumers (“MIEC”), Renew Missouri Advocates (“Renew Missouri”), and Sierra Club.

5. On June 25, 2025, this Commission issued a protective order allowing Ameren to designate market-based supply-side resources costs as

“highly confidential.”

6. Intervenor may issue data requests from the parties in this case that may require those parties to produce and disclose confidential and proprietary information relating to data center infrastructure, competitively sensitive contracts and negotiations, communications subject to nondisclosure agreements, resource usage in other states, and other proprietary information relating to selection of data center locations and operation of data centers.¹ See, e.g., Data Request 22.0 submitted by Staff to Ameren, attached hereto as Exhibit A.

7. Some of the information requested may contain highly sensitive, competitive market data, financial information, and other proprietary transactional data that is outside the scope of this proceeding or of *de minimis* bearing to the proceeding.

II. Statement of Law

8. Missouri Supreme Court Rule 56.01(c) provides that protective orders may be issued “to protect a party or person 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. Commission Rule 20 CSR 4240-2.135(2) provides that parties may designate certain materials, including trade secrets and competitively sensitive information, as “Confidential.” Pursuant to Commission Rule 20 CSR 4240-2.135(6), “Confidential” information shall be disclosed to attorneys of record for a party, to employees of a party who are working as subject-matter

¹ Information of this type has been requested in the other pending large load tariff dockets (*see* EO-2025-0154).

experts for the party's counsel, to employees of a party who intend to file testimony in the case, and to designated outside experts of a party.

10. The Commission has previously noted that, “[c]ommission rules provide for the issuance of protective orders when necessary to protect information from discovery more rigorously than would be provided from a confidential designation.”² The Commission has further explained that, “The Commission may order such greater protection by a party explaining what information must be protected, the harm to the disclosing party that might result from disclosure of the information, and how the information may be disclosed while protecting the interests of the disclosing party.”³

III. Argument

11. The data center market is an extremely competitive forum where information regarding customer pricing, supply costs, business relationships, market data, and other proprietary data are closely guarded trade secrets. This information, as well as terms and details relating to business contracts and other information relating to data center infrastructure are sensitive information that impact data centers' competitive advantage with respect to its competitors and with parties with whom it negotiates. Communications and negotiations with respect to site selection and contract negotiations are generally subject to nondisclosure agreements. Many data center contracts also contain confidentiality provisions. While elements of these contracts may be shared using the Confidential designation provided by 20 CSR 4240-2.135(2), others may reveal details that have a *de minimis* bearing on the

² “Order Granting Motion to Compel, in Part, and Granting Motion for Protective Order, in Part,” File No. EA-2016-0358 (issued December 13, 2018) at 4 *citing* Commission Rule 4 CSR 240-2.135(3) (now 20 CSR 4240-2.135(3)).

³ *Id.*

matter for the Commission and the scope of the Commission's investigation in this docket and would have serious consequence to ADS and Google if disclosed.

12. The "Confidential" designation under 20 CSR 4240-2.135 will not provide adequate protection for these categories of information ("Highly Confidential-Highly Sensitive" or "HCHS") because it would require ADS and Google to produce otherwise discoverable HCHS information to in-house representatives of non-state-agency parties who may have competitive relationships now or in the future. The mere disclosure of HCHS information to these parties and their employees and representatives would irreparably harm ADS and Google because it would give these parties knowledge of HCHS information that would affect their relative bargaining positions.

13. Additionally, the June 25, 2025 Protective Order does not provide adequate information for HCHS information because the definition of "Highly Confidential Information" under the Protective Order is limited to Ameren's supply-side resource costs, pricing, and bid information.

14. While the Commission could stand to benefit from outside expert witness review of HCHS information, the same cannot be said for representatives who merely intend to file testimony but who cannot otherwise offer an expert opinion on the HCHS information. So, for this class of representative (i.e., the non-expert party representative), the Commission and the public could not benefit from their review of this HCHS information, but ADS and Google would be negatively impacted.

15. A fair tradeoff for all parties is to limit disclosure of HCHS information for entities and individuals other than the Commission, the Commission staff, and the Office of the Public Counsel, to outside attorneys of record and to outside consultants who have executed a Commission

Nondisclosure Agreement for Highly Confidential Highly Sensitive Information. Such HCHS information should not be provided directly or indirectly to any other individual or employee.

16. The requested relief listed below is similar to the relief granted in this case to Ameren as well as in protective orders issued by this Commission in the past, including the ones granted recently in EO-2025-0154, EA-2023-0017, and EO-2023-0022.

17. By requesting heightened protection of HCHS information, ADS and Google do not waive their right to object to the production of HSHS information when there is a legal basis for such objection.

18. ADS and Google therefore request the Commission issue a Protective Order as follows:

a. Information designated as “Confidential” would be subject to the standard protocols included in Commission Rule 20 CSR 4240-2.135. Information designated as “Highly Confidential” would be subject to the June 25, 2025 Protective Order.

b. Allowing parties to additionally designate as “Highly Confidential Highly Sensitive or HCHS” the following (1) confidential information relating to the data center operations, including customer specific data, customer pricing, supply costs, business relationships, market data, other proprietary data and protected trade secrets; and (2) information relating to confidential contracts entered into relating to data centers.

c. With regard to entities and individuals other than the Commission, the Staff of the Commission, and the Office of the Public

Counsel:

- i. Disclosure of materials or information so designated shall be made only to outside attorneys and/or to such outside consultants who have executed a Commission Nondisclosure Agreement. No “HCHS” information shall be provided directly or indirectly to any other individual or employee.
 - ii. Persons afforded access to materials or information designated “HCHS” shall neither use nor disclose such materials or information for purposes of business or competition or any other purpose other than in regard to the case referenced above and shall keep the materials and information secure and confidential and in accordance with the purposes and intent of the protective order.
 - iii. All material and information designated as “HCHS” in the possession of any entity or person, as well as any notes pertaining to such information, shall be returned to the party disclosing the same or destroyed upon the conclusion of the referenced case.
- d. If any party disagrees with the HCHS designation of any information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240-2.090(8). If these dispute resolution procedures are exhausted without resolution, the party may file a motion challenging the designation.
- e. All persons authorized to access “Highly Confidential Highly

Sensitive information in this case shall complete the nondisclosure agreement attached to the hereto as Exhibit B.

IV. Conclusion

WHEREFORE, ADS and Google respectfully request the Commission grant this Motion for a Protective Order and take such other actions as the Commission deems necessary to protect this information.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served upon all of the parties of record or their counsel, pursuant to the Service List maintained by the Data Center of the Missouri Public Service Commission on July 31, 2025.

/s/ Stephanie S. Bell