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January 9, 2015

**FILED**

**JAN 13 2015**

Mr. Kevin Thompson  
Staff General Counsel  
Missouri Public Service Commission  
Governor State Office Building  
Jefferson City, Mo. 65101


Missouri Public  
Service Commission

Dear Mr. Thompson:

Enclosed with this letter is a Formal Complaint pertaining to Mr. Sauer's request for certain information regarding Ameren's purchase of energy from the Pioneer Prairie Wind Farm.

If you have any questions or comments, please do not hesitate to contact me at (314) 863-0200.

Sincerely,



Matthew H. Hearne  
[mhearne@hb-law.com](mailto:mhearne@hb-law.com)

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

Fred Sauer )  
)  
Complainant, )  
)  
Missouri Public Service Commission, and )  
Ameren )  
)  
Respondents. )  
)

**FILED**

**JAN 13 2015**

**Missouri Public  
Service Commission**

**FORMAL COMPLAINT**

COMES NOW Fred Sauer, (Sauer), and pursuant to the Commissions Rule 4 CSR 240-2.070 hereby files this Formal Complaint against the aforementioned Respondents. The address of Complainant is 7800 Forsyth, Suite 820, Clayton, Missouri 63105. The address of the Missouri Public Service Commission is P.O. Box 360 Jefferson City, Missouri 65102. The Street address of Ameren is 1901 Chouteau Av., St. Louis, Mo. 63103.

In support of this Complaint, Sauer states as follows:

1. Complainant Sauer is an individual and citizen of the State of Missouri residing in St. Louis County, Missouri and is a customer of Ameren.
2. The Missouri Public Service Commission is an agency of the State of Missouri charged with regulating public utilities including Ameren.
3. Ameren is a public utility regulated by the Missouri Public Service Commission.

As the basis for this complaint, Complainant states as follows:

4. On November 24, 2014 Sauer filed a request with the Commission for certain information pursuant to Missouri's Sunshine law. The Commission responded on December 17, 2014 and asserted that since Ameren claimed that some of the information Sauer requested was "highly confidential" they would not release it. The Commission and Ameren claim that the requested information was designation "highly confidential" pursuant to 4 CSR 240-2.135.

5. More specifically Sauer requested certain information and documents on November 24, 2014 regarding the value of certain renewable tax credits including the following:

- (a) the total kilowatt hours of energy purchased by Ameren from Pioneer Prairie Wind Farm in 2012;
- (b) the total kilowatt hours of energy purchased by Ameren from Pioneer Prairie Wind Farm in 2013;
- (c) the total purchase price paid by Ameren for energy produced by Pioneer Prairie Wind Farm;
- (d) total generational output from Pioneer Prairie Wind Farm supplied to Ameren Missouri customers for the CY2012 as detailed in Section (7)(A)1C on page 6 of the Ameren Missouri Renewable Energy Standard Compliance Report 2012 dated April 15, 2013;
- (e) the value of solar renewable energy credits Ameren Missouri received as a result of the production of solar energy at Ameren Missouri headquarters office building in St. Louis, Missouri as detailed in Section (7)(A)1D on page 8 of the Ameren Missouri Renewable Energy Standard Compliance Report 2012 dated April 15, 2013;
- (f) the value of the renewable energy credits Ameren Missouri received in 2012 as a result of Ameren Missouri's Maryland Heights Renewable Energy Center as detailed in Section (7)(A)1D on page 8 of the Ameren Missouri Renewable Energy Standard Compliance Report 2012 dated April 15, 2013. (Exhibit 1).

6. The Commission denied Sauer's request on December 17, 2014 and claimed that since the information Sauer requested was provided by a third party it could not be released except on an order from the Commission. (Exhibit 2)

7. Ameren and the Commission's decision to classify Sauer's requested information as "highly confidential" is in error. Such classification is unlawful, unjust, in excess of the Commission's statutory authority, unreasonable, constitutes an abuse of discretion, and is arbitrary and capricious for all the reasons set forth herein. As such the Commission should rehear and or reconsider this matter and thereafter release the information Sauer requested in Exhibit 1.

8. 4 CSR 240-2.135(1) states "The commission recognizes two (2) levels of protection for information that should not be made public.

(A) Proprietary information is information concerning trade secrets, as well as confidential or private technical, financial, and business information.

(B) Highly confidential information is information concerning—

1. Material or documents that contain information relating directly to specific customers;

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 or consultants;

6. Strategies employed, to be employed, or under consideration in contract negotiations; and

7. Information relating to the security of a company's facilities."

9. The Commission makes no claim that the information sought by Sauer is proprietary, they only claim that it came from a third party and that it is "highly confidential". As stated above Sauer does not request any information that could remotely fall within the seven categories of confidential information listed in 4 CSR 240-2.135.

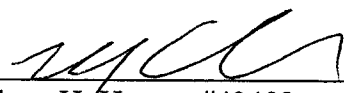
10. Sauer does not ask for any customer information, employee information, marketing information, work product of auditors or consultants, contract information or security information. He only asks for specific information that will shed light on the cost and value of renewable energy and the price Ameren is paying for it.

11. Furthermore Sauer and other electrical utility customers are entitled to know what the true cost of renewable energy is. By knowing how much energy Ameren purchases from the Pioneer Wind Farm, Sauer and other utility customers will be in a more informed position to better analyze any need or the propriety of any future rate hike proposals.

12. The Complainant has formally requested the Commission to produce the requested information stated above and has called the Commission to discuss his request.

WHEREFORE, Sauer respectfully requests that the Missouri Public Service Commission and Ameren reconsider its December 17, 2014 decision classifying Sauer's requests as "highly confidential" and provide him with the information requested in paragraph 5 above.

HEARNE & BENDICK L.L.C.

  
Matthew H. Hearne #43482  
230 South Bemiston, Suite 770  
St. Louis, MO 63105  
314-863-0200  
Attorneys for Fred Sauer

#### CERTIFICATE OF SERVICE

I certify that a true and correct copy of the forgoing Complaint and Exhibits attached thereto, were served this 9 day of January, 2015 by first class U.S. mail to the following:

Kevin Thompson  
Staff General Counsel  
Missouri Public Service Commission  
Governor State Office Building  
Jefferson City, Mo. 65101

Gregory Nelson  
General Counsel  
Ameren  
901 Chouteau Av.,  
St. Louis, Mo. 63103.

Lewis Mills  
Office of the Public Counsel  
Governor State Office Building  
Jefferson City, Mo. 65101