

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

In the Matter of The Empire District Electric)
Company's 2020 Annual Update Pursuant to) File No. _____
Commission Rule 20 CSR 4240-22.080(3))

**PLEADING TO ESTABLISH FILE NUMBER AND
MOTION FOR PROTECTIVE ORDER**

COMES NOW The Empire District Electric Company, a Liberty Utilities company ("Liberty-Empire"), by and through counsel, and for its Pleading to Establish File Number and Motion for Protective Order, respectfully states as follows to the Missouri Public Service Commission ("Commission"):

1. Liberty-Empire is a Kansas corporation with its principal office and place of business at 602 Joplin Street, Joplin, Missouri. Empire is qualified to conduct business and is conducting business in Missouri, as well as in the states of Arkansas, Kansas, and Oklahoma. Empire is a "public utility" and, therefore, is subject to the general regulatory jurisdiction of the Commission as provided by law and is engaged, generally, in the business of generating, purchasing, transmitting, distributing, and selling electricity in portions of the referenced four states. Empire is also a "water corporation," and, through its subsidiary (The Empire District Gas Company), provides natural gas distribution service in Missouri.

2. Liberty-Empire's documents of incorporation from Kansas and certificate of authority from Missouri were previously filed with the Commission in Case No. EF-94-39. These documents are incorporated by reference and made a part of this Application for all purposes. Liberty-Empire has no overdue Commission annual reports or assessment fees. There is no pending action or final unsatisfied judgment or decision against the Company from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of this Application.

3. Commission Rule 20 CSR 4240-22.080(3) provides that, “on or about April 1 of every year in which the utility is not required to submit a triennial compliance filing, each electric utility shall host an annual update workshop with the stakeholder group” and “prepare an annual update report with both a public version and a highly-confidential version to document the information presented at the annual update workshop and shall file the annual update reports with the commission no less than twenty (20) days prior to the annual update workshop.”

4. Pursuant to Commission Rule 20 CSR 4240-22.080(3), Liberty-Empire plans to submit its 2020 Chapter 22 Electric Utility Resource Planning (“integrated resource plan” or “IRP”) annual update report in March of 2020 and hold its IRP annual update workshop in April of 2020.

5. Portions of the IRP filing will be designated as Confidential in accordance with Commission Rule 20 CSR 4240-2.135(2)(A). There is also a need for portions of the IRP filing, and possibly other materials produced in the course of discovery or otherwise in this matter, to be designated as Highly Confidential in accordance with Commission Rule 20 CSR 4240-2.135(4).

6. 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.” *See also* In the Matter of the Application of Grain Belt Express Clean Line LLC, Commission File No. EA-2014-0207, 2014 Mo.PSC Lexis 858, Opinion issued September 24, 2014.

7. Due to the nature of certain material regarding commodity prices and planned purchases, the “confidential” designation under Commission Rule 4 CSR 240-2.135 may not provide adequate protection. To prevent harm to Liberty-Empire and prevent the creation of a competitive advantage for those participating in this IRP process over Liberty-Empire and non-participating competitors, Liberty-Empire requests a protective order as follows:

a. Certain materials and information divulged by Liberty-Empire shall be considered to be “Highly Confidential” if so designated at the time of disclosure.

b. With regard to entities and individuals other than the Staff of the Commission, the Office of the Public Counsel, and the Missouri Division of Energy:

i. Disclosure of materials or information so designated shall be made only to attorneys and/or to such outside consultants who have executed a Commission Nondisclosure Agreement. No Highly Confidential information shall be provided directly or indirectly to any non-attorney individual or employee.

ii. Persons afforded access to materials or information designated “Highly Confidential” 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 “Highly Confidential” in the possession of any entity or person, as well as any notes pertaining to such information, shall be returned to Empire or destroyed upon the conclusion of the referenced case.

c. If a party disagrees with the “Highly Confidential” designation of any information, the party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240-2.090(8). If the party exhausts these dispute resolution procedures, the party may file a motion challenging the designation.

WHEREFORE, Liberty-Empire requests an order of the Commission, pursuant to Commission Rule 20 CSR 4240-2.135(4), granting a protective order regarding Empire's IRP submissions. Liberty-Empire requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 11th day of March, 2020, with notification of the same being sent to all counsel of record, and further certify that the above document was sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter