

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

In the Matter of The Empire District Electric)
Company's 2019 Triennial Compliance) File No. EO-2019-0049
Filing Pursuant to 4 CSR 240-22)

MOTION FOR PROTECTIVE ORDER

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

1. Pursuant to Commission Rules 4 CSR 240-22.010 - 4 CSR 240-22.080, the Commission's *Order Granting Application for Variance*, and the Commission's *Order Granting Extension to File*, Liberty-Empire will submit, by July 1, 2019, its Chapter 22 Electric Utility Resource Planning Report ("integrated resource plan" or "IRP").
2. Portions of the IRP filing will be designated as Confidential in accordance with Commission Rule 4 CSR 240-2.135(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 4 CSR 240-2.135(4).
3. 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.

4. 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 parties to this proceeding over Liberty-Empire and non-party 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 4 CSR 240-2.090(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 4 CSR 240-2.135(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 28th day of June, 2019, with notification of the same being sent to all counsel of record.

/s/ Diana C. Carter