

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

In the Matter of the tariff filing of The)	
Empire District Electric Company)	
to implement a general rate increase for)	Case No. ER-_____
retail electric service provided to customers)	
in its Missouri service area)	

MOTION FOR PROTECTIVE ORDER

COMES NOW The Empire District Electric Company ("Empire"), by counsel, and for its Motion for Protective Order pursuant to 4 CSR 240-2.085, respectfully states as follows to the Missouri Public Service Commission ("Commission"):

1. Contemporaneously herewith, Empire is providing to the Commission for filing certain tariff sheets consisting of revised electric rate schedules designed to implement a general rate increase for retail electric service provided to customers in its Missouri service area. Also contemporaneously herewith, Empire is providing to the Commission for filing in connection with said rate increase request, the direct testimony and schedules of various Empire witnesses, including the Non-Proprietary ("NP") version of the direct testimony and schedules of Empire witness Todd Tarter. The Highly Confidential ("HC") version of Mr. Tarter's, which is not being filed at this time, contains certain information which is not available to the general public and which cannot be found in any format in any public document.

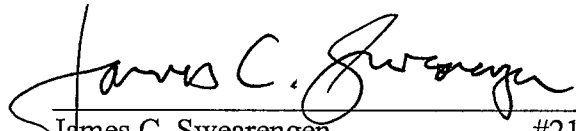
2. Empire anticipates that during the course of this general rate proceeding, other parties will likely undertake discovery which may lead to the disclosure by Empire of other Highly Confidential or Proprietary information and said parties may seek to introduce this information as evidence in this proceeding.

3. In view of the foregoing, Empire desires that the Commission issue in this case what

has become known generally as its “standard form” protective order which contains both Highly Confidential and Proprietary categories. When that occurs, Empire will file the Highly Confidential (“HC”) version of Mr. Tarter’s direct testimony in electronic form and will provide same to the Commission’s General Counsel and to the Office of the Public Counsel as well as to any other proper parties.

WHEREFORE, Empire respectfully moves the Commission to issue its standard form protective order in this case.

Respectfully submitted,


James C. Swearengen #21510
Brydon, Swearengen & England P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
Telephone (573) 635-7166
Facsimile (573) 634-7431
E-Mail LRackers@brydonlaw.com

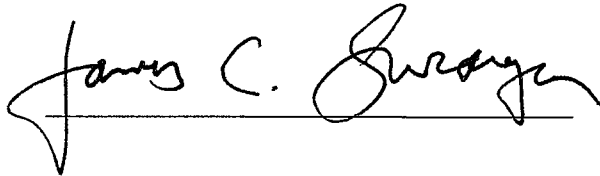
Attorneys for The Empire District Electric Company

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered, on this 1ST day of February, 2006, to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

A handwritten signature in black ink, reading "James C. Swartz", is written over a horizontal line. The signature is cursive and stylized.