

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

Symmetry Energy Solutions, LLC,)	
)	
Complainant,)	
)	
v.)	File No. GC-2022-0062
)	
The Empire District Gas Company)	
d/b/a Liberty,)	
)	
Respondent.)	

MOTION FOR PROTECTIVE ORDER

COMES NOW The Empire District Electric Company d/b/a Liberty, by and through counsel, and for its Motion for Protective Order, respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. Commission Rule 20 CSR 4240-2.135(6) provides that “Confidential” information shall be disclosed to attorneys of record for a party, to employees of a party who are working as subject matter 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. Certain items produced through the course of discovery and otherwise in this matter will be designated “Confidential” pursuant to this rule.

2. There is also a need for information and documents 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). In contrast to items designated “Confidential,” and as set forth in more detail below, Liberty requests that items designated “Highly Confidential” in this proceeding be disclosed only to attorneys of record for a party and designated outside experts of a party (other than as to Commission Staff and the Office of the Public Counsel).

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.”

4. Due to the nature of certain material regarding commodity prices and actual or planned purchases, as well as competitively sensitive and confidential information regarding natural gas retail and transportation customers and suppliers, including natural gas usage and meter data by customer, the “confidential” designation under Commission Rule 20 CSR 4240-2.135 may not provide adequate protection. To prevent harm to Liberty and prevent the creation of a competitive advantage for parties to this proceeding over Liberty and non-party competitors, Liberty requests a protective order as follows:

a. Materials and information divulged by Liberty or other parties 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 and the Office of the Public Counsel:

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 party employee or other individual.

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 the designating party 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 requests an order of the Commission, pursuant to Commission Rule 20 CSR 4240-2.135(4), granting a protective order in this proceeding. Liberty requests such other and further relief as is just and proper under the circumstances.

/s/ Diana C. Carter
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Certificate of Service

I hereby certify that this document was filed in EFIS, with notice sent to all counsel of record, and also sent by email to Staff, OPC, and all other counsel of record, on this 11th day of February, 2022.

/s/ Diana C. Carter
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