

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
The Empire District Electric Company)
for Approval of its Customer Savings) Case No. EO-2018-0092
Plan.)

**DOGWOOD ENERGY, LLC'S RESPONSE TO EMPIRE'S MOTION FOR
PROTECTIVE ORDER AND MOTION TO STAY INTERVENTION**

COMES NOW Dogwood Energy, LLC ("Dogwood") and respectfully submits its Response to Empire's Motion for Protective Order and Motion to Stay Intervention, pursuant to rules 4 CSR 240-2.135 and 2.080, as follows:

1. The Commission has granted intervention to Dogwood, effective December 9, 2017. Notwithstanding Empire's motions, there is no need to defer that effective date further. Rule 4 CSR 240-2.135(4)(A) provides that while a motion for protective order such as Empire's is pending, the requested protection shall be afforded until the Commission rules on the motion.

2. Empire's request for special protection of "non-public information about wholesale electric markets" is ambiguous and overly broad, contrary to the requirements of 4 CSR 240-2.135(4). Such an over-reach would prejudice Dogwood's ability to participate in this proceeding by unduly limiting the access to case information by its internal expert, Rob Janssen, who will collaborate with legal counsel in this proceeding. The Commission's newly adopted rule concerning confidential information provides sufficient limitations and protections regarding this broad category of information. Notably, Mr. Janssen has been Dogwood's representative on several SPP committees for many years and in such capacity has had access to protected market information for SPP purposes subject to confidentiality requirements and has complied with such constraints and limitations without issue.

3. Dogwood has no objection to the Commission granting Empire's motion as to "Empire's Request for Proposal issued as part of its Customer Savings Plan, including responses" to the extent Empire properly classifies any such information as Highly Confidential in accordance with Commission rules and orders, subject to the opportunity to disagree with classification of specific information as noted in Empire's motion.

WHEREFORE, Dogwood respectfully requests that the Commission deny Empire's Motion to Stay Intervention and to limit its granting of Empire's Motion for Protective Order as stated above, together with any further and/or additional relief the Commission deems just and proper.

Respectfully submitted,

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was served this 4 day of December 2017, to the parties as listed on the Commission's electronic filing system through that system.

/s/ Carl J. Lumley
