

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

In the Matter of the 2023 Annual Update Filing)
Pursuant to 20 CSR 4240-22 by The Empire) Case No. EO-2023-0294
District Electric Company d/b/a Liberty)

**LIBERTY’S RESPONSE TO OPC’S OPPOSITION TO
LIBERTY’S MOTION FOR PROTECTIVE ORDER**

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

1. Liberty’s annual update Integrated Resource Planning (“IRP”) workshop is scheduled for 10:00 a.m. on Tuesday, April 18, 2023, and Liberty’s annual update IRP report was filed herein on March 29, 2023.

2. On March 21, 2023, and pursuant to Commission Rule 20 CSR 4240-2.135, Liberty submitted its Motion for Protective Order. At the time of filing of the Motion for Protective Order, Liberty was still preparing its annual update IRP report and was uncertain if the Highly Confidential designation would be needed for portions of the report.

3. Liberty is requesting the ability to designate as “Highly Confidential” certain material regarding commodity prices, fuel procurement, generation costs, and planned purchases, as well as competitively sensitive and confidential information regarding wholesale electric market participants. Liberty explained in its Motion for Protective Order that the designation would “prevent the creation of a competitive advantage for parties to this proceeding over Liberty and non-party competitors” by restricting who may view Highly Confidential information (for parties other than Staff and OPC). Liberty’s Motion for Protective Order did not include a request for variance or waiver from Commission Rule 20 CSR 4240-2.135, as implied by OPC’s opposition.

4. The annual update IRP report filed herein on March 29, 2023, contained public and confidential information, but the Highly Confidential designation was not needed for the report. It is likely, however, that certain information produced through the course of discovery or otherwise in this matter may require the extra protection afforded by the requested Highly Confidential designation.

5. As noted, Liberty seeks a protective order pursuant to Commission Rule 20 CSR 4240-2.135 to provide Liberty and others with the ability to designate as “Highly Confidential” certain material regarding commodity prices, fuel procurement, generation costs, and planned purchases, as well as competitively sensitive and confidential information regarding wholesale electric market participants, limiting access to this information for parties other than Staff and OPC. Liberty is not seeking a request for variance or waiver from Commission Rule 20 CSR 4240-2.135.

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.

Respectfully submitted,

/s/ Diana C. Carter

Diana C. Carter MBE #50527

The Empire District Electric Company d/b/a Liberty

428 E. Capitol Ave., Suite 303

Jefferson City, Missouri 65101

Joplin Office Phone: (417) 626-5976

Cell Phone: (573) 289-1961

E-Mail: Diana.Carter@LibertyUtilities.com

CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 5th day of April, 2023, and sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter