BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of The Empire District Electric Company's) Request for Authority to File Tariffs Increasing Rates for Electric) Case No. ER-2019-0374 Service Provided to Customers in its Missouri Service Area)

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 the Notice of Intended Case Filing submitted May 29, 2019, a Liberty-Empire general rate case filing is forthcoming. Issues the Commission will be asked to consider and decide in the general rate case are those that normally arise in general rate case proceedings for an electric utility with a fuel adjustment clause.

2. Portions of the general rate case 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 general rate case 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."

4. Due to the nature of certain material regarding commodity prices, fuel procurement, generation costs, 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 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, 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 Liberty-Empire's

general rate case filing. Liberty-Empire requests such other and further relief as is just and proper

under the circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 12th day of August, 2019, with notification of the same being sent to all counsel of record.

/s/ Diana C. Carter