

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

In the Matter of The Empire District Electric)
Company's 2018 Renewable Energy Standard) File No. _____
Compliance Report and 2019 RES Plan)

**MOTION FOR EXTENSION OF TIME, FOR PROTECTIVE ORDER,
AND FOR WAIVER OF THE 60-DAY NOTICE REQUIREMENT**

COMES NOW The Empire District Electric Company, a Liberty Utilities company ("Empire"), by and through counsel, and in support of its Motion for Extension of Time, for Protective Order, and for Waiver of the 60-Day Notice Requirement, respectfully states as follows to the Missouri Public Service Commission ("Commission"):

Motion for Extension of Time

1. Pursuant to Commission Rule 240-20.100(8), Empire is to file its 2018 Renewable Energy Standard ("RES") Compliance Report and 2019 RES Compliance Plan by April 15, 2019.
2. Empire needs additional time for the preparation and filing of its RES Compliance Report and Plan and requests an extension of approximately 75 days, from April 15 to July 1, 2019.
3. Pursuant to Commission Rule 4 CSR 240-22.080(1), Empire's triennial IRP compliance filing would have been due April 1, 2019. Empire, however, sought and obtained an extension of time for the submission of its 2019 IRP triennial compliance filing from April 1 to July 1, 2019.
4. Empire's 2019 IRP triennial compliance filing and Empire's 2018/2019 RES Compliance Report and Plan rely, in part, on the same data and analyses. In order to produce a more useful and reliable 2019 RES Compliance Plan, as well as a more accurate 2018 RES Compliance Report, Empire needs to wait for the

completion of the analyses being conducted for the 2019 IRP triennial compliance filing. The RES Compliance Report and Plan are also tied to Empire's wind CCN application, Case No. EA-2019-0118.

Motion for Protective Order

5. Certain material contained in and/or attached to Empire's RES Compliance Report and Plan are subject to contractual agreements providing for the material to not be disclosed except under certain limited circumstances. These contractual agreements were entered into prior to the enactment of the current version of Commission Rule 4 CSR 240-2.135.
6. Under the prior confidentiality rule, Empire filed non-proprietary, proprietary, and highly confidential versions of its RES report and plan. The three levels of protection provided for under the prior rule are still needed today for Empire's RES compliance filings. Material previously designated as non-proprietary is now designated as public; material previously designated as proprietary is now designated as confidential; and material previously designated under the rule as highly confidential, without the need for requesting a protective order, is the subject of this motion for a protective order.
7. Due to the nature of certain material regarding renewable energy certificate ("RECs") prices and payment terms, the "confidential" designation under Commission Rule 4 CSR 240-2.135 may not provide adequate protection. Empire is contractually obligated to treat this material as highly confidential, as the material could provide an unjust competitive advantage to certain entities and individuals who decide to participate in Empire's RES docket. As such, Empire requests a protective order as follows:

a. Certain materials and information divulged by Empire 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.

Motion for Waiver

8. Commission Rule 4 CSR 240-4.017(1) provides that “(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” No such notice was filed herein. As such, Empire seeks a waiver of the 60-day notice requirement.
9. Commission Rule 4 CSR 240-4.017(1)(D) provides that a waiver may be granted for good cause. In this regard, Empire notes that RES report and plan submissions are not contested cases, that utilities do not generally file notice of intended case

filings 60 days prior to their RES submissions, and that the content and timing of RES filings are provided by Commission rule.

WHEREFORE, Empire requests an order of the Commission: waiving the 60-day notice requirement for good cause shown; extending the due date for the filing of its 2018/2019 RES Compliance Report and Plan from April 15 to July 1, 2019; and, pursuant to Commission Rule 4 CSR 240-2.135(4), granting a protective order regarding Empire's RES submissions. Empire requests such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

BRYDON, SWEARENGEN & ENGLAND, P.C.

By:

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above document was filed in EFIS on this 4th day of April, 2019, with notification of the same being sent to all parties of record. I further certify that a copy was sent by electronic transmission to the Staff of the Commission and the Office of the Public Counsel.

/s/ Diana C. Carter