

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

In the Matter of the 2017 RES Compliance)
Report and 2018 RES Compliance Plan of) File No. _____
The Empire District Electric Company)

MOTION FOR PROTECTIVE ORDER

COMES NOW The Empire District Electric Company (“Empire”), by and through the undersigned counsel, and, pursuant to Commission Rule 4 CSR 240-2.135(4), requests the issuance of a protective order herein. In this regard, Empire respectfully states as follows to the Missouri Public Service Commission (“Commission”):

1. Pursuant to Commission Rule 240-20.100, Empire will file its 2017 Renewable Energy Standard (“RES”) Compliance Report and 2018 RES Compliance Plan on April 11, 2018.

2. Certain material contained in and/or attached to Empire’s RES 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.

3. 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 report and plan. 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 being marked as highly confidential and is the subject of this motion.

4. 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.

WHEREFORE, Empire, pursuant to Commission Rule 4 CSR 240-2.135(4), respectfully requests the issuance of a protective order regarding its RES report and plan and requests such other and further relief as is just and proper under the circumstances.

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

/s/ Diana C. Carter

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was filed in EFIS on this 10th day of April, 2018, and that a copy of the same was provided to Staff Counsel and the Office of the Public Counsel by electronic transmission.

/s/ Diana C. Carter