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Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Re: Case No. AX-2000-108

Dear Mr. Roberts:

The Office of the Public Counsel makes the following comments on the proposed revision to the Commission rules:

4 CSR 240-2.010 Definitions

1. (2) Certificate of service refers to "the name of the party served." It should be the "attorney of record served or the name of the party served."
2. (13) "Pleading" definition should specify that the "Staff Recommendation" is a pleading, so that the response time rule applies. A Staff Recommendation is always signed by an attorney from the General Counsel's office and is treated in every significant way as if it were a pleading.
3. (17) Public Counsel recommends revision of this definition. It appears that the standard protective order mixes the scope of protection for proprietary and HC. Public Counsel offers these definitions to focus the distinction and to identify what type of showing is needed for the classification.

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"Proprietary information:" Information concerning trade secrets, as well as confidential or private technical, financial and business information where the party seeking protection from the disclosure of this information has made a showing that public disclosure of the information would be detrimental to the party's marketing and strategic planning of competitive products or services.

4. (9) "Highly Confidential" Public Counsel recommends revision of this definition as discussed above. There is a balance between the public policy preference for open records and the need of the company to protect confidential information. HC: Information concerning (1) material or documents that contain information relating directly to specific customers; (2) employee-sensitive information; (3) marketing analyses or other market-specific information relating to services offered in competition with others; (4) reports, work papers or other documentation related to work produced by internal or external auditors or consultants; (5) strategies employed, to be employed, or under consideration in contract negotiations where the party seeking protection from the disclosure of this information has made a showing that the detriment to the party outweighs the public interest in public disclosure.

We have enclosed the original and fourteen copies for filing with the Commission.

Very truly yours,



Michael F. Dandino
Senior Public Counsel

MFD:kh

cc: Counsel of record