

156

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 15th
day of March, 1995.

Ahlstrom Development Corporation, and)	
Cottonwood Energy Partners, L.P.,)	
)	
Complainants,)	
)	
v.)	<u>Case No. EC-95-28</u>
)	
The Empire District Electric Company,)	
a corporation,)	
)	
Respondent.)	
)	

ORDER GRANTING IN PART AND DENYING IN PART
APPLICATION FOR REHEARING

On January 5, 1995, The Empire District Electric Company (Empire) filed a Motion To Modify Protective Order. In this motion, Empire requested that the Commission modify the protective order previously issued in this case to allow access to Ahlstrom Development Corporation and Cottonwood Energy Partners, L.P.'s (Ahlstrom's) highly confidential material by the following five Empire employees: Robert L. Lamb, President and Chief Executive Officer; Myron McKinney, Executive Vice President; Tony Stark, Director of Corporate Planning; Brad Beecher, Director of Production Planning; and Robert Fancher, Vice President - Corporate Services.

On February 21, 1995, the Commission issued an order denying Empire's motion to modify the protective order.

On March 6, 1995, Empire filed an Application For Rehearing. The Commission has reviewed the Application For Rehearing.

It appears to the Commission that Empire desires a ruling on the following question: Should the five previously-identified management employees

P

of Empire be allowed access to material designated highly confidential by Ahlstrom? The Commission finds that each of the five previously-identified management employees of Empire should have access to highly confidential material used by Ahlstrom in this proceeding, which material originated from that individual employee. In addition, the Commission is of the opinion that if Ahlstrom proffers material indicating that a certain member of the five employees participated in a specific meeting or teleconference, then such member should have access to the material. Furthermore, the Commission is of the opinion that if Ahlstrom proffers material indicating that certain statements were made, orally or in writing, by a certain, identified member of the previously-mentioned group of five Empire employees, then the particular individual identified by Ahlstrom as the maker of the statement is hereby allowed access to such material.

IT IS THEREFORE ORDERED:

1. That the Application For Rehearing filed by The Empire District Electric Company on March 6, 1995, be, and is hereby, granted in part, and denied in part as described above.

2. That this order shall become effective on the date hereof.

BY THE COMMISSION



**David L. Rauch
Executive Secretary**

(S E A L)

Mueller, Chm., McClure, Perkins,
Kincheloe and Crumpton, CC., concur.