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May 29, 2003

Secretary  
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P. O. Box 360  
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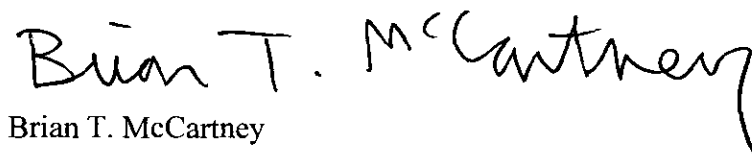
**Re: Missouri-American Water Company**  
**- Case No. WR-2003-0500**

Dear Mr. Roberts:

Enclosed for filing on behalf of Missouri-American Water Company, please find an original and eight copies of a Motion to Modify Protective Order in above-referenced matter.

Please see that this filing is brought to the attention of the appropriate Commission personnel. Copies of the attached are being provided to parties of record. If you have any questions regarding this filing, please give me a call. I thank you in advance for your attention to and cooperation in this matter.

Sincerely,

  
Brian T. McCartney

BTM/da  
Enclosure  
cc: Parties of Record

**FILED<sup>2</sup>**  
MAY 29 2003  
Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
MAY 29 2003

Missouri Public  
Service Commission

In the Matter of the General Rate Increase     )  
for Water and Sewer Service Provided         ) Case No. WR-2003-0500  
by Missouri-American Water Company.         )

**MOTION TO MODIFY PROTECTIVE ORDER**

COMES NOW Missouri-American Water Company ("Missouri-American") and for its *Motion to Modify Protective Order* states to the Missouri Public Service Commission ("Commission") as follows:

**SUMMARY**

Missouri-American moves the Commission to modify the Protective Order previously issued in this case such that information related to the security of Missouri-American's facilities may be treated as Highly Confidential.

**MOTION**

1. On May 19, 2003, Missouri-American filed tariffs designed to increase its rates for water and sewer service. The Commission opened Case No. WR-2003-0500 ("the Rate Case") to examine these tariffs.
2. On May 21, 2003, Missouri-American filed a motion to establish a Protective Order.
3. On May 27, 2003, the Commission issued an *Order Granting Protective Order*. The Protective Order does not contain specific language that would protect and limit disclosure of security-related information.

4. Missouri-American has taken specific security measures in an effort to protect its facilities. These expenditures will be before the Commission in this rate case.

5. It appears that the Commission and its Regulatory Law Judges recognize that security information should be treated as Highly Confidential. Indeed, the Commission is presently examining possible modifications to its Protective Order, and all three of the proposed modifications define "information relating to the security of a company's facilities" as either "Confidential" or "Highly Confidential."<sup>1</sup>

6. Additionally, in Case No. WO-2002-273, the Commission noted its "concern for the safety of the public water supply"<sup>2</sup> and issued an *Order* granting a modified Protective Order and stating as follows:

The Protective Order previously adopted in this case is hereby modified by the insertion of the following language in Paragraph A, the definition of Highly Confidential information: "and (6) materials, documents, strategies and other information related to actual or planned modifications of the company's methods of ensuring physical security of its public utility facilities."<sup>3</sup>

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<sup>1</sup> See *In the Matter of a Proposed Rule to Establish a Procedure for Handling Confidential Information in Commission Proceedings*, Case No. AX-2003-0404, *Notice Creating Case*, issued April 7, 2003.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

This language limits the potential for unintentional release of security-related information while still providing access to the information for regulatory purposes. Similar language was utilized by the Commission in Case No. ER-2002-424.<sup>4</sup> Missouri-American asks that the Commission issue a similar modification in the instant case.

### CONCLUSION

WHEREFORE, Missouri-American respectfully requests that the Commission:

(1) grant its motion for a modified Protective Order; (2) adopt the following language:

The Protective Order previously adopted in this case is hereby modified by the insertion of the following language in Paragraph A, the definition of Highly Confidential information: "and (6) materials, documents, strategies and other information related to actual or planned modifications of the company's methods of ensuring physical security of its public utility facilities."<sup>5</sup>

and (3) grant such further relief as is consistent with this pleading.

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<sup>4</sup> *In the Matter of The Empire District Electric Company*, Case No. ER-2002-424, *Order Granting Protective Order*, issued April 1, 2002. (In the *Empire* case, the Protective Order's definition of "Highly Confidential" included "materials, documents, strategies and other information related to the company's methods, or planned modifications thereof, of ensuring the physical security of its public facilities.")

<sup>5</sup> See *In the Matter of Missouri-American Water Company's Request for an Accounting Authority Order Relating to Security Costs*, Case No. WO-2002-273, *Order Regarding Motion to Dismiss, Protective Order, and Discovery*, issued Mar. 12, 2002.

Respectfully submitted,

By Brian T. McCartney

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#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 29<sup>th</sup> day of May, 2003, to the following parties:

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