

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Grain)
Belt Express LLC for an Amendment to its)
Certificate of Convenience and Necessity)
Authorizing it to Construct, Own, Operate,) File No. EA-2023-0017
Control, Manage, and Maintain a High)
Voltage, Direct Current Transmission Line)
and Associated Converter Station)

ORDER ESTABLISHING PROTECTIVE ORDER

Issue Date: October 20, 2022

Effective Date: October 20, 2022

On August 24, 2022, Grain Belt Express LLC filed an application seeking an order amending its certificate of convenience and necessity granted in File No. EA-2016-0358. On September 29, 2022, Grain Belt Express filed a motion asking the Commission to issue a protective order to establish procedures for controlling the flow of highly confidential information among the parties.

The motion explains that data requests from the Staff of the Commission require the production and disclosure of confidential and proprietary information such as non-public financial information and commercially and competitively sensitive contracts of Grain Belt and its affiliates. Grain Belt Express expects that intervenors will also seek the same or similarly highly sensitive competitive market data, financial information, and other proprietary transactional data that will not be adequately protected by the “confidential” designation under Commission Rule 20 CSR 4240-2.135. In File No. EA-2016-0358, in which the original grant of a certificate of convenience and necessity was issued for this project, the Commission granted a protective order for the designation and protection of

“highly confidential” information. Grain Belt Express requests a similar protective order be established in this case.

No objections to the request for a protective order were received. The Commission has considered the motion and finds it reasonable. The Commission will grant the motion for protective order.

THE COMMISSION ORDERS THAT:

1. Grain Belt Express’s *Motion for Protective Order* is granted as to the following information designated by Grain Belt Express as “highly confidential”:

a. Confidential information may be designated in one of two categories:

i. a “Confidential” category of information encompassing the usual scope of protected information in Commission proceedings (including information covered under Commission Rule 20 CSR 4240-2.135(2)); and

ii. a “Highly Confidential”¹ category of information limited to information that is classified proprietary financial information of Grain Belt Express and Invenergy and sensitive contractual information relating to Grain Belt Express and Invenergy.

b. Information designated as “Confidential” is subject to the standard protocols included in Commission Rule 20 CSR 4240-2.135.

c. For information designated as “Highly Confidential,” Grain Belt Express shall disclose such information only to attorneys of record for all parties, state agency parties and their employees covered by statutory

¹ In a related Kansas proceeding, the “Highly Confidential” category is termed “Confidential-Competitive.”

confidentiality requirements, and to designated outside and in-house experts for any non-state agency party with a demonstrable need to see financial and contract information.

- d. Outside counsel and in-house and outside experts may receive and review Highly Confidential information after executing the *Non-Disclosure Agreement for Highly Confidential Information* attached to this order, or a similar Commission nondisclosure agreement that meets the requirements of Commission Rule 20 CSR 4240-2.135(7) and specifically references Highly Confidential information. No Highly Confidential information shall be provided directly or indirectly to any non-state agency party or representative thereof, except as expressed above.
- e. 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 with 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.
- f. All material and information designated as “Highly Confidential,” as well as any notes pertaining to such information, shall be returned to Grain Belt Express or destroyed upon the conclusion of the referenced case, with certification of same to Grain Belt Express.

g. If any party disagrees with the “Highly Confidential” designation of any information, that party shall follow the informal discovery dispute resolution procedures set forth in Commission Rule 20 CSR 4240-2.090(8). If these dispute resolution procedures are exhausted without resolution, the party may file a motion challenging the designation.

2. This order shall be effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 20th day of October, 2022.

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OF THE STATE OF MISSOURI**

In the Matter of the Application of Grain Belt)
Express LLC for an Amendment to its Certificate)
of Convenience and Necessity Authorizing it to)
Construct, Own, Operate, Control, Manage, and) File No. EA-2023-0017
Maintain a High Voltage, Direct Current)
Transmission Line and Associated Converter)
Station)

**NON-DISCLOSURE AGREEMENT FOR
HIGHLY CONFIDENTIAL INFORMATION**

I, _____, have reviewed the Commission's Rule at 20 CRS 4240-2.135
on the _____ day of _____, 20_____.

I have requested review of highly confidential and confidential information produced in
Case No. EA-2023-0017 on behalf of _____.

I hereby certify that:

(a) Only certain persons may receive highly confidential information. These persons
include attorneys of record for a party in the case, inhouse experts employed by a party in the case,
outside experts retained by a party in this case, and state agencies and their employees.

(b) I am an employee of _____ acting as an
(outside/inhouse) _____ expert on behalf of _____, and have been
directed to provide expert consultation or testimony in this docket.

(Continues on the following page)

(c) I have read and agree to abide by the Commission's Rule at 20 CRS 4240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

Dated: _____

Signature and Title

Employer

Party

Address

Telephone

E-mail Address


STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 20th day of October, 2022.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 20, 2022

File/Case No. EA-2023-0017

**Missouri Public Service
Commission**

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**Missouri Public Service
Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.