

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 12<sup>th</sup> day of April, 2023.

In the Matter of the 2023 Annual Update            )  
Filing Pursuant to 20 CSR 4240-22 by The        )  
Empire District Electric Company d/b/a            )  
Liberty    )  
**File No. EO-2023-0294**

**ORDER GRANTING PROTECTIVE ORDER**

Issue Date: April 12, 2023

Effective Date: April 22, 2023

On March 21, 2023, The Empire District Electric Company d/b/a Liberty, filed a Notice of Stakeholder Meeting and Motion for Protective Order. Liberty states that due to the nature of certain material regarding commodity prices, fuel procurement, generation costs, and planned purchases, as well as competitively sensitive and confidential information regarding wholesale electric market participants, the “confidential” designation under Commission Rule 20 CSR 4240-2.135 may not provide adequate protection. Thus, Liberty requests that the Commission grant a protective order to allow Liberty to designate proper material as “Highly Confidential”.

The Office of Public Counsel (OPC) opposes the motion. OPC states that Liberty provides no explanation why the confidential designation allowed by Commission Rule 20 CSR 4240-2.135 is not sufficient to protect Liberty's interests.

The Commission's Staff states that Liberty should follow the Commission's rule on confidential information. However, Staff also states that it is confident in Liberty's judgment concerning Highly Confidential information.

Liberty responded to OPC, stating that the Highly Confidential designation would prevent the creation of a competitive advantage for parties to this proceeding over Liberty and non-party competitors by restricting who may view Highly Confidential information (for parties other than Staff and OPC). Further, Liberty's states that its motion did not include a request for variance or waiver from Commission Rule 20 CSR 4240-2.135, as implied by OPC's opposition.

The Commission is persuaded that Liberty should receive the protective order it requests. If any party believes Liberty is violating this order or any other provision of law, it may file a motion asking for relief from Liberty's behavior.

**THE COMMISSION ORDERS THAT:**

1. The Motion for Protective Order is granted.
2. Materials and information divulged by Liberty or other parties shall be considered to be "Highly Confidential" if so designated at the time of disclosure.
3. With regard to entities and individuals other than the Staff of the Commission and the Office of the Public Counsel:
  - a. 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 party employee

or other individual.

b. 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.

c. 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 the designating party or destroyed upon the conclusion of the referenced case.

4. 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 20 CSR 4240-2.090(8). If the party exhausts these dispute resolution procedures, the party may file a motion challenging the designation.

5. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Nancy Dippell".

Nancy Dippell  
Secretary

Rupp, Chm., Coleman, Holsman, and  
Kolkmeier CC., concur.

Pridgin, Deputy Chief Regulatory Law Judge

**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 12<sup>th</sup> day of April, 2023.**



*Nancy Dippell*  
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**Nancy Dippell**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 12, 2023**

**File/Case No. EO-2023-0294**

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

**Sincerely,**



**Nancy Dippell  
Secretary**

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