

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the 2022 Triennial )  
Compliance Filing Pursuant to 20 CSR )  
4240-22 by The Empire District Electric ) **File No. EO-2021-0331**  
Company d/b/a Liberty )

## ORDER ESTABLISHING PROTECTIVE ORDER

Issue Date: April 7, 2022

Effective Date: April 7, 2022

The Empire District Electric Company d/b/a Liberty has filed its triennial Integrated Resource Planning (IRP) submission on April 1, 2022. On March 23, 2022, Liberty filed a motion asking the Commission to issue a protective order to establish procedures for controlling the flow of confidential and highly confidential information among the parties.

The motion explains that 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 will not be adequately protected by the “confidential” designation under Commission Rule 20 CSR 4240-2.135. As permitted by the rule, Liberty requests a protective order to increase the level of protection for that particularly sensitive information.

No responses to Liberty’s motion have been filed, so the Commission takes up the motion unopposed. As it has done in past cases, the Commission will remind Liberty that the issuance of a protective order does not limit its obligation to comply with the requirements of the Commission’s rules regarding the handling of confidential information, 20 CSR 4240-2.135.

The Commission will grant the motion.

**THE COMMISSION ORDERS THAT:**

1. The following Protective Order is established:
  - a. Materials and information divulged by Liberty, or other parties, shall be considered “Highly Confidential” if so designated at the time of disclosure.
  - b. With regard to entities and individuals other than the Staff of the Commission and the Office of the Public Counsel:
    - i. Disclosure of materials and information so designated shall be made only to attorneys and/or such outside consultants who have executed a Commission Non-Disclosure Agreement. No Highly Confidential information shall be provided directly or indirectly to any non-attorney party employee or other individual.
    - ii. 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 this protective order.
    - iii. 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 conclusion of the referenced case.

c. 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.

2. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

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 7<sup>th</sup> day of April, 2022.

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

**NONDISCLOSURE AGREEMENT**

For Case No.: \_\_\_\_\_  
(To Access Highly Confidential Information)

I, \_\_\_\_\_, have reviewed the Commission's Rule at 20 CSR 4240-2.135  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I have requested review of the highly confidential information produced in Case No.  
\_\_\_\_\_ on behalf of \_\_\_\_\_.

I hereby certify that:

- (a) Only an outside expert retained by a party in this case may receive highly confidential information;
- (b) I am an employee of \_\_\_\_\_ acting as an outside expert for \_\_\_\_\_ [state name of intervenor] retained to provide expert consultation or testimony in this docket;  
and
- (c) I have read and agree to abide by the Commission's Rule at 20 CSR 4240-2.135 and all terms of the Protective Order issued by the Commission in this docket.

Dated on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature & Title

NONDISCLOSURE AGREEMENT

(To Access Highly Confidential Information)

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Employer

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Party

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Address

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Telephone

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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 7<sup>th</sup> day of April, 2022.**



  
\_\_\_\_\_  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 7, 2022**

**File/Case No. EO-2021-0331**

**Missouri Public Service  
Commission**

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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**

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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.