

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the 2022 RES Compliance)
Report and 2023 RES Compliance Plan of)
The Empire District Electric Company)
d/b/a Liberty) **File No. EO-2023-0358**

ORDER GRANTING MOTION FOR PROTECTIVE ORDER

Issue Date: April 21, 2023

Effective Date: April 21, 2023

On April 14, 2023, The Empire District Electric Company d/b/a Liberty filed a motion for protective order along with its 2022 Renewable Energy Standard (RES) Compliance Report and Compliance Plan.

The motion explains that the “confidential” designation under Commission Rule 20 CSR 4240-2.135 does not provide adequate protection for certain material regarding renewable energy certificate (“REC”) prices and payment terms. Specifically, certain material contained in and/or attached to Liberty’s RES Report and Plan is subject to contractual agreements providing for the material to not be disclosed except under certain limited circumstances. Liberty states that it is also contractually obligated to treat this material as “highly confidential,” as the material could provide an unjust competitive advantage to certain entities and individuals who decide to participate in Liberty’s RES docket.

Liberty requested that the Commission issue a protective order pursuant to Commission Rule 20 CSR 4240-2.135(4) declaring certain materials and information regarding REC prices and payment terms to be “Highly Confidential” to protect them from disclosure.

The Commission issued an order establishing time to respond to Liberty's motion for protective order requiring any party wishing to respond to do so no later than April 20, 2023. No responses have been received. The Commission will grant the motion.

THE COMMISSION ORDERS THAT:

1. Liberty's Corrected Motion for Protective Order is granted.
2. The following Protective Order is established:
 - a. Certain materials and information regarding REC prices and payment terms divulged by Liberty or others in this proceeding 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, the Office of the Public Counsel, and the Missouri Division of Energy, Disclosure of materials and information so designated shall be made only to attorneys of record 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.
 - c. 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.
 - d. 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.

e. 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.

3. Nondisclosure forms for use in accessing confidential information in these cases are attached to this order as Exhibit A (for access to “Highly Confidential” information).

4. This order shall be effective when issued.



BY THE COMMISSION

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

Nancy Dippell
Secretary

Ross Keeling, Regulatory Law Judge
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 21st day of April, 2023.

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

NONDISCLOSURE AGREEMENT
For Case No.: EF-2023-0358
(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.
EF-2023-0358 on behalf of _____.

I hereby certify that:

(a) Only counsel of record and outside experts retained by a party in this case may
review highly confidential information over Evergy's read-only encrypted document
review system;

(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)

Page 2

Employer

Party

Address

Telephone

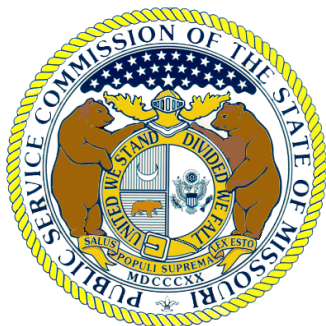
E-Mail Address

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 21st day of April, 2023.



Nancy Dippell

Nancy Dippell
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

April 21, 2023

File/Case No. EO-2023-0358

**Missouri Public Service
Commission**
Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel
Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@opc.mo.gov

Liberty (Empire)
Diana C Carter
428 E. Capitol Avenue, Suite 303
Jefferson City, MO 65101
Diana.Carter@LibertyUtilities.com

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

Sincerely,



**Nancy Dippell
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.