

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Ninth Prudence)
Review of Costs Subject to the) **File No. EO-2021-0281**
Commission-Approved Fuel Adjustment)
Clause of The Empire District Electric)
Company d/b/a Liberty (Empire))

PROTECTIVE ORDER

Issue Date: April 13, 2021

Effective Date: April 13, 2021

On March 4, 2021, the Staff of the Commission filed notice that it started its ninth prudence review of the costs and revenues subject to the fuel adjustment clause established for The Empire District Electric Company d/b/a Liberty (Empire) (“Liberty-Empire”) for the period September 1, 2019, through February 28, 2021. Staff’s notice stated Staff intends to file its recommendation by August 31, 2021.

On March 30, 2021, Liberty-Empire filed a motion for a protective order. Liberty-Empire’s motion requests the Commission grant a protective order, as permitted by Commission Rule 20 CSR 4240-2.135(3), to allow Liberty-Empire to designate as “Highly Confidential” certain material regarding commodity prices, competitive strategies, and planned purchases.

No responses to Liberty-Empire’s motion have been received, and the period for response has expired.¹ The Commission will grant Liberty-Empire’s request for a protective order on the terms proposed by the motion.

THE COMMISSION ORDERS THAT:

1. Liberty-Empire’s motion for a protective order is granted.

¹ Commission Rule 20 CSR 4240-2.080(13) allows 10 days from the date of filing to respond to any pleading unless otherwise ordered by the Commission.

2. Liberty-Empire may designate as “Highly Confidential” certain material regarding commodity prices, competitive strategies, and purchases, as follows:

a. Certain materials and information divulged by Liberty-Empire shall be considered to be “Highly Confidential” if so designated at the time of disclosure. Any such designation shall be made in good faith.

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 or information so designated shall be made only to attorneys and/or to such outside experts/consultants who have executed a Commission Nondisclosure Agreement. No information designated “Highly Confidential” shall be provided directly or indirectly to any non-attorney other than to a designated outside expert/consultant who has executed and filed a Commission Nondisclosure Agreement in this case.

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 the 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 Liberty-Empire or destroyed upon the conclusion of this 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.

3. 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, flowing style.

Morris L. Woodruff
Secretary

Jana C. Jacobs, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo (2016).

Dated at Jefferson City, Missouri,
on this 13th day of April, 2021.