

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

In the Matter of the Tenth Prudence)
Review of Costs Subject to the)
Commission-Approved Fuel Adjustment)
Clause of The Empire District Electric)
Company d/b/a Liberty)

File No. EO-2023-0087

PROTECTIVE ORDER

Issue Date: October 17, 2022

Effective Date: October 17, 2022

On September 1, 2022, the Staff of the Commission (Staff) filed its *Notice of Start of Tenth Fuel Adjustment Clause Prudence Review*.

On September 20, 2022, The Empire District Electric Company d/b/a Liberty filed a *Motion for Protective Order*, requesting a protective order under Commission Rule 20 CSR 4240-2.135(4) covering materials and information deemed “highly confidential” by Liberty.

On October 14, 2022, Liberty filed a Supplement to Liberty’s Motion for Protective Order in which it attached a suggested nondisclosure agreement form.

More than ten days have passed since Liberty filed its motion for protective order, and no one has opposed that motion.¹ The Commission finds Liberty’s unopposed motion to be reasonable and will grant it. The Commission also finds the suggested nondisclosure agreement form to be in compliance with Commission Rule 20 CSR 4240-2.135 and will incorporate it into this order.

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

THE COMMISSION ORDERS THAT:

1. Liberty's request for a protective order is granted. The specific protections to be afforded are as follows.

a. Certain materials and information divulged by Liberty 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 Nondisclosure Agreement using the form attached to this order. No Highly Confidential information shall be provided directly or indirectly to any non-attorney other than to a designated outside expert/consultant who has executed a Nondisclosure Agreement and filed it herein.

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 Liberty or destroyed upon the 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

Morris L. Woodruff

Morris L. Woodruff
Secretary

Kenneth J. Seyer, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 17th day of October, 2022.

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Subject to the Commission-Approved Fuel Adjustment) Case No. EO-2023-0087
Clause of The Empire District Electric Company)

NONDISCLOSURE AGREEMENT

I, _____, have reviewed the Commission’s Rule at 20 CSR 4240-2.135 and the Protective Order issued in the above-referenced case on the ____ day of _____, 20__.

I have requested review of the Highly Confidential information produced in Case No. EO-2023-0087 on behalf of _____, a party to the case.

I hereby certify that I have read and agree to abide, in all respects, by the Commission’s Rule at 20 CSR 4240-2.135 and the Protective Order issued herein.

Dated this ____ day of _____, 20__.

Signature and Title

Employer

Party

Address

Telephone


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 17th day of October, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 17, 2022

File/Case No. EO-2023-0087

**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.